



TOWN OF KITTERY

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September 12, 2016

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – 8/15/16 Special Meeting, 7/25/16 & 8/22/16 Regular Meetings
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(090116-1) The Kittery Town Council moves to approve and authorize the Town Manager to sign a York County Maine Public Works Mutual Aid Agreement.

10. PUBLIC HEARINGS

(090116-2) The Kittery Town Council moves to hold a public hearing on a renewal application for Delta Amusement, Inc., 182 State Road, Kittery for a Special Activity Amusement Permit for Navy Yard Bar & Billiards, 182 State Road.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

(090116-3) The Kittery Town Council moves to accept a donation in the amount of \$9,250 from York Hospital to the Recreation Department for scholarships to be deposited in account #5003-43600 York Hospital Scholarships.

- b. (090116-4) The Kittery Town Council moves to approve the disbursement warrants.
- c. (090116-5) The Kittery Town Council moves to appoint Kristi Mathieson to the KCC Board of Directors until 12/31/19.
- d. (090116-6) The Kittery Town Council moves to appoint Charles Patten to the Port Authority until 8/31/18.
- e. (090116-7) The Kittery Town Council move to release funds in the amount of \$3,500 from unassigned surplus and to appropriate said funds to be paid out of account #101740-68427 Expense Self Insurance Claims, to pay the deductible associated with an insurance claim.
- f. (090116-8) The Kittery Town Council moves to approve a renewal application for Delta Amusement Inc., 182 State Road, Kittery for a Malt, Spirituous and Vinous Liquor License for Navy Yard Bar & Billiard, 182 State Road.
- g. (090116-9) The Kittery Town Council moves to establish an overlay amount of \$_____, resulting in a mill rate of _____ mills, and to charge an interest rate of 7% per annum on past due accounts and confirms the dates of October 31, 2016, February 15, 2017 and May 31, 2017, as the due dates for property and personal property taxes.
- h. (090116-10) The Kittery Town Council moves to schedule a public hearing for September 26, 2016 on proposed amendments to Title 2 of the Kittery Town Code.
- i. (090116-11) The Kittery Town Council moves to schedule a public hearing for September 26, 2016 on proposed amendments to Title 10 of the Kittery Town Code.
- j. (090116-12) The Kittery Town Council moves to amend Title 11 General Assistance Appendices A-D for the period of October 1, 2016 – September 30, 2017, as required and provided by the State of Maine.
- k. (090116-13) The Kittery Town Council moves to appoint Mary Thron to the Board of Assessment Review as an alternate member until 12/31/19.
- l. (090116-14) The Kittery Town Council move to release funds in the amount of \$5,000 from unassigned surplus and to appropriate said funds to be paid out of account #101740-68427 Expense Self Insurance Claims, to pay the deductible associated with a defective compressor at the Town Hall.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

- k. (090116-13) The Kittery Town Council moves to go in to executive session with the Town Manager in accordance with 1 M.R.S. §405 (6) C, to discuss a land acquisition.

17. ADJOURNMENT

1 1. Call to Order

2 Chairperson Beers called the meeting to order at 7:01 p.m.

3 2. Introductory

4 Chairperson Beers read the introductory.

5 3. Pledge of Allegiance

6 Chairperson Beers led those present in the Pledge of Allegiance.

7 4. Roll Call

8 Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault,
9 Councilors Frank Dennett, Russell White, Kenneth Lemont, Judith Spiller, and Jeffrey Thomson.

10 5. Agenda Amendment and Adoption

11 Chairperson Beers stated that Item 13i under New Business was withdrawn after further details
12 were received. He requested to replace said item to read as follows: "The Kittery Town Council
13 moves to accept resignation of Peter Whitman from the Kittery Port Authority."

14 Chairperson Beers requested that Item 16 be modified to read as "The Kittery Town Council
15 moves to go into executive session with the Town Manager in accordance with 1 M.R.S. §405
16 (6) C, to discuss a land acquisition."

17 Agenda was adopted as amended.

18 6. Town Manager's Report

19 Town Manager Granfield reviewed her written report.

20 **Secretary to Town Manager** –Town Manager Granfield was informed that the applicant whom
21 was offered the part-time Secretary to Town Manager position withdrew her acceptance. Town
22 Manager Granfield noted that a volunteer intern will be beginning work soon on a parking and
23 cemetery project.

24 **Sewer Betterments** – Based on various feedback, staff is moving forward with ordinance
25 changes and a meeting is scheduled for August 15th at Shapleigh School to discuss the proposal.
26 The workshop held on July 18th has been televised on Channel 22 at various days and times,
27 however, there were some technical difficulties with website streaming. The issue is expected to
28 be resolved soon.

29 **Resident Issue** – It was brought to Town Council's attention by an individual from Operation
30 Blessing Limited Partnership (OBLP) regarding street naming and a recommendation from
31 Planning Board. It is an item that will come before the Town Council for approval. Based on
32 further review, there was not acceptance from all the abutters of the street name. After discussion
33 with the Town Planner and Commissioner of Public Works, the matter is scheduled to be heard
34 by Planning Board on July 24, 2016 and be forth coming on Town Council agenda. At that time,

the history of the status of the road will be explained and the Town Council will review for acceptance.

Paving work – Town Manager Granfield was advised that all road paving expected completion last week and striping will commence.

Fort Foster – Fort Foster has been very active over the summer months. After a meeting with the Parks Commission to discuss a variety of Town Council items, such as dog waste, senior passes, and drone issues, a workshop is scheduled for August 22, 2016.

Town Manager Granfield reviewed an item not included in her written report.

Volunteer Citizen Panel – Eaton Peabody Consulting Group is recruiting volunteers for the Town Manager selection and has already received applications. There is still time through the month of August for any citizen interested in being on the interview panel. Interviews are scheduled for September.

Vice Chairperson Denault received complaints regarding striping on Brave Boat Harbor Road. Many small plastic dividers have been displaced and missing. He requested that the Town Manager Granfield advise the Commissioner of Public Works.

7. Acceptance of Previous Minutes

Regular Meeting – June 27, 2016

The minutes were adopted as presented.

Regular Meeting – July 11, 2016

The minutes were adopted as presented.

8. Interviews for the Board of Appeals and Planning – None.

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

a. (070216-1) The Kittery Town Council moves to approve a resolution entitled “Resolution Authorizing Redemption of Town’s 2006 Bonds and Issuance of Refunding Bonds in Principal Amount not to Exceed \$1,140,000,” as presented and an attested copy of said Resolution is to be included with the meeting minutes.

Cindy Saklad, Kittery Finance Director

Ms. Saklad has had the pleasure of working with Joe Cuetara, Bond Advisor, on this matter. She indicated as noted in her memorandum dated July 11, 2016 to Council, that the 2006 bonds, which finance renovations for the Town’s fire station located at Haley Road and for the new fire station on Gorges Road, have met their 10-year mark and are ready for refinancing. She noted the Town will save approximately \$150,000 since the interest rate will decrease from 4.50% to 2.00%. She noted that Mr. Cuetara has further information regarding financing.

Councilor Dennett expressed concern that 2.00% be guaranteed and rather considered it an estimation. Ms. Saklad supported that notion.

A MOTION WAS MADE BY COUNCILOR THOMSON THAT THE RESOLUTION OF

THE KITTERY TOWN COUNCIL ENTITLED “RESOLUTION AUTHORIZING REDEMPTION OF TOWN’S 2006 BONDS AND ISSUANCE OF REFUNDING BONDS IN PRINCIPAL AMOUNT NOT TO EXCEED \$1,140,000,” BE APPROVED AS PRESENTED AND AN ATTESTED COPY BE INCLUDED WITH THE MEETING MINUTES, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett believed when bonds reach their first redemption, it does a job on individual investors to drop from 4.50% to estimated 2.00%. He stated in favor of the motion because it benefits the community. He figured the savings is over the remaining ten-year period of the bond. Ms. Saklad confirmed that statement.

Councilor Thomson understood the expressed concern for the investors.

THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

10. PUBLIC HEARINGS

a. (070216-2) The Kittery Town Council moves to hold a public hearing and hereby ordains and adopts the 2016-2017 Sewer Budget.

Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

A MOTION WAS MADE BY COUNCILOR THOMSON TO ORDAIN AND ADOPT THE 2016-2017 SEWER BUDGET AS PRESENTED, SECONDED BY CHAIRPERSON BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

b. (070216-3) The Kittery Town Council moves to hold a public hearing on an application from Michelle Goodwin, 41 High Street, 1st Floor, Derry NH for a Victualer’s License for Just Chill’n Cool Treats and Beverages, Kittery Premium Outlet, 375 US Route 1.

Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE APPLICATION FROM MICHELLE GOODWIN, 41 HIGH STREET, 1ST FLOOR, DERRY, NH FOR A VICTUALER’S LICENSE FOR JUST CHILL’N COOL TREATS AND BEVERAGES, KITTERY PREMIUM OUTLET, 375 US ROUTE 1, SECONDED BY COUNCILOR WHITE. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

c. (070216-4) The Kittery Town Council moves to hold a public hearing and hereby ordains amendments to Title 16 of the Kittery Town Code.

Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers closed the public hearing.

Councilor Thomson requested a detailed explanation of the amendments.

Chris Di Matteo, Kittery Town Planner

Mr. Di Matteo referred to the executive summary prepared for July 11, 2016 Report to Town

Council. He proceeded to explain the amendments as follows:

- Item 1 – This promotes development within the Shoreland Overlay Zone by permitting review and approval by the Code Enforcement Office. Currently, all Shoreland development goes before the Planning Board. The amendment proposes that any plan within the 150-foot setback could be approved by the Code Enforcement Officer.
- Item 2 – This intends to clarify with a definition a provision regarding devegetated area.
- Item 3 – This regards to post construction and storm water management plans. Pertaining to the Municipal Separate Storm Sewer System (MS4) permit, there are clarifications in the amendment that; align the ordinance language and requirements with other Towns, clarify the reference to trigger in Chapter 5 storm water rules, and reference the current maintenance plan agreement as a construction management plan.
- Item 4 – This proposes minor changes to the table guiding street standards to include a street, boundary radius for secondary collectors. The description of a collector conflicts with this language by stating that collectors between 200-800 trips are to be connected to other streets. This is not supposed to insinuate a dead end; thus the proposed amendment would resolve that issue with the definition of a collector.
- Item 5 – The Planning Board decided to remove any reference to the Kittery Foreside Design Committee, but retain the design standards. This would allow the Planning Board or Peer Review to conduct design review, instead of the committee.

A MOTION WAS MADE BY COUNCILOR THOMSON TO ORDAIN AND ADOPT AMENDMENTS TO TITLE 16 OF THE KITTERY TOWN CODE AS PRESENTED, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

11. DISCUSSION

a. Discussion by members of the public (three minutes per person)

Barbara Bean, 87 Martin Road

Ms. Bean thanked all for seeking an alternative, fair and equitable solution to the sewer betterment assessments.

Ms. Bean felt pleasant to drive along newly resurfaced roads. She raised a series of questions as follows:

1. What is the total project cost of the paved roads?
2. Is said cost accounted for in the sewer betterment project?
3. Why are there sections of the road that were paved and not included in the betterment project?
4. If the paving is part of the sewer betterment project cost that is being divided among the residents, why would it be included in the project cost?
5. Was the recent KACTS job on Route 236 conducted because it is a state road?

Ms. Bean felt the sewer betterment project, as indicated in July 2013, intends to bring forth sewer lines, promote economic development and alleviate existing overboard discharge in an effort to provide an expanded tax base and increase tax revenue. As the ballot clearly stated,

149 there is ultimately a benefit to the Town.

150 Tricia Robillard, Martin Road

151 Ms. Robillard echoed Ms. Bean's concerns. She added by reminding all the spirit and
152 commentary of the May 2, 2016. She was most grateful of the proposed reductions and noted
153 even with significant decreases in betterment assessments, it will still liquidate disposable
154 income. She requested that when reviewing terms of a lien, consideration be taken for potential
155 effects on credit and how creditors will account for liens.

156 Ms. Robillard felt it is difficult in a small Town for Council members to completely avoid direct
157 relationships that may pose a conflict of interest. She hoped that the Council resolves the current
158 agenda item by finding no conflict of interest since the relative in question is not benefiting any
159 more or less than another person.

160 Jennifer Taylor, Martin Road

161 Ms. Taylor requested that post cards be sent to Kittery residents to announce details from the
162 August 15, 2016 meeting. Many residents do not watch Channel 22 or read the paper, so the
163 suggested notification would be important to those citizens.

164 Ms. Taylor asked if the Town is preparing to dig up for natural gas pipelines. Chairperson Beers
165 responded that he could not confirm or deny. She wondered and guessed that the digging would
166 be completed prior to paving. She recalled an ordinance stating that digging a newly paved road
167 cannot occur until a certain number of years, hence why she was questioning the digging.

168 Sharon Clark, 63-65 Manson Road

169 Ms. Clark felt that acreage should not be incorporated into the sewer betterment formula. She
170 explained that she owns a small home on her eight acres of property. The land cannot be
171 subdivided and is landlocked. The property value is higher than her neighbors, thus, her final
172 betterment assessment was over \$42,000. She felt it was grossly unfair to punish owners that do
173 not have equal potential for development. She recommended that Council propose a one-acre
174 basis, regardless of the total amount of land area. Ms. Clark cited Councilor Dennett's statement
175 explaining how past practice has assessed those properties in that situation. The assessment
176 would consider the land where the homes are located and disregard the rest.

177 Ms. Clark proposed that assessments take regard to individual units. She emphasized that each
178 parcel must be evaluated separately since size, occupancy, and income potential varies amongst
179 each unit.

180 George Dow IV, 1 Bartlett Road

181 Mr. Dow commended Chairperson Beers for his management and leadership skills in addressing
182 the sewer betterment assessment fees.

183 Mr. Dow explained from his perspective the history and timeline of the Rice Public Library
184 relocation project. He was concerned that the most recent joint workshop between Council and
185 the library should have aimed to educate, but rather it focused on lost revenues, impact of scenic
186 views, and the Kittery Community Center annex proposal. He requested further clarity on what
187 the straw poll vote mentioned by Council intends to decide.

188 Mr. Dow thanked the recently retired Kittery Commissioner of Public Works for his service.

189 Leola Webb, 70 Martin Road

190 Mr. Webb raised three questions to Council as follows:

- 191 1. What is the likelihood of reducing the sewer betterment assessment fees to zero?
- 192 2. What is the time period for connection requirements to the sewer system?
- 193 3. What action has been taken to reduce or eliminate the construction connection cost for
- 194 homeowners, which is separate from the betterment fees?

195 Willie Goodson, 15 Martin Road

196 Mr. Goodson expressed discomfort with one Councilor acclaiming another Councilor as biased.
197 He felt that citizens should rely on each Councilor being honest and upfront.

198 Wallace "Bud" Gerry, 27 Route 236

199 Mr. Gerry indicated that the sewer pipe he was directed to connect to is located on the wrong
200 side of the road from where he lives. The road is not a Town road and passes Route 236 property
201 behind his home. His parcel is located roughly 120 feet away from Route 236 and wondered if he
202 must connect to the newer system, even though his septic is about 50 years old.

203 b. Response to public comment directed to a particular Councilor – None.

204 c. Chairperson's response to public comments

205 Chairperson Beers addressed no individual in particular that the sewer betterment is soon
206 reaching resolution. Since the recent workshop, Town Manager Granfield and staff are producing
207 details that will relate to all the parameters in question to include ordinance revisions, appeals
208 processes, deferral time periods for low-income citizens, and allowance for connection.

209 Chairperson Beers responded directly to public comments.

210 Ms. Bean – The Town has been paving roads as an upgrade for the past two years under a bond
211 approved by the Town. He will research further an answer for that breakdown.

212 Ms. Robillard – Her concerns for the conflict of interest were well taken.

213 Mr. Goodson – The request for determination of a conflict of interest does not indicate any issue
214 of bias. He explained that it is not an impugning of character, but rather a simple and technical
215 consideration. This determination mitigates any potential, future litigation considerations for
216 improper decision making.

217 Ms. Taylor – Postcards are a great recommendation and he requested that Town Manager
218 Granfield arrange that.

219 Ms. Clark – He felt that Ms. Clark raised several complicated issues that are interrelated and
220 requests that her documentation be provided to answer her questions.

221 Mr. Dow – He appreciated the compliment and thanked Mr. Dow for providing his explanation
222 of the library relocation. He could not recall any reference to a straw vote and clarified that the
223 statement he made was to have a discussion on August 18, 2016 regarding next steps for the
224 library proposal.

225 Mr. Gerry – He requested further geographical details because his particular situation will
226 require examination by staff. Mr. Gerry responded that he would do so.

227 Mr. Webb – The forthcoming details proposed by staff will provide answers to his questions,
228 which will be available on the website once completed. He mentioned it would be unlikely that
229 fees be reduced to zero because the Council has proposed a decrease to the most minimum level
230 that would still allow the Town to continue paying all other obligations. Chairperson Beers
231 explained that currently the time period for connection requirements is 90 days upon notice and
232 that stipulation would likely remain unchanged. He stated that the scheduled meeting for August
233 15, 2016 addresses two amendments. First, the connection deferral for up to 10 years for those
234 that have installed new septic within that timeframe. Secondly, the deferral for low income as
235 eligibility for general administration assistance is a small, short-lived group of situations. Low
236 income is less than 80% of area median income, which amounts to annual income of about
237 \$46,000 per individual, and \$96,000 per a family of eight. That would qualify for request for
238 deferment. Chairperson Beers concluded that eliminating the connection requirement all together
239 would not be in best interest of the community since one failed septic can pollute up to ten
240 square miles of ground water.

241 12. UNFINISHED BUSINESS – None.

242 13. NEW BUSINESS

243 a. Donations/gifts received for Council disposition – None.

244 b. (070116-4) The Kittery Town Council moves to approve the disbursement warrants.

245 Town accounts payable of \$3,705.81.

246 Town accounts payable of \$73,908.64.

247 Sewer account payable of \$34,016.14.

248 Sewer account payable of \$1,503.85.

249 School accounts payable of \$50,038.73.

250 School accounts payable of \$47,403.47.

251 Total of all disbursement warrants of \$210,576.64.

252

253 Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont that
254 the School warrants are in order.

255 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE**
256 **DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER. THE**
257 **MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

258 c. (070116-5) The Kittery Town Council moves to approve an application from Seacoast
259 Soul Models, 3 Ryle Way, Kittery, ME for a one time outside alcohol serving event, to be held at
260 60 Old Dennett Road on 8/21/16 from 9:30 a.m. to 12:00 p.m.

261 **A MOTION WAS MADE BY COUNCILOR WHITE TO APPROVE AN APPLICATION**
262 **FROM SEACOAST SOUL MODELS, 3 RYLE WAY, KITTERY, ME FOR A ONE TIME**
263 **OUTSIDE ALCOHOL SERVING EVENT, TO BE HELD AT 60 OLD DENNETT ROAD**
264 **ON 8/21/16 FROM 9:30 A.M. TO 12:00 P.M., SECONDED BY COUNCILOR SPILLER.**

265 Councilor Dennett requested further details be presented regarding the application.

266 Whitney Blethen, Seacoast Soul Models

267 Ms. Blethen explained the Seacoast Soul Models is a 501(3)(c) non-profit organization based in
268 Kittery. The organization has served mainly for middle school girls for about one year. The event
269 referenced in the application is intended to be a fund raiser event. The event will host a yoga
270 session, offer breakfast foods, and conduct a mimosa tasting. They will not use a caterer because
271 they are receiving donations.

272 Councilor Dennett indicated that no layout diagram was provided in the application. Ms. Blethen
273 apologized for that omission and welcomed the owner of the property to further explain the
274 layout of the event. She also clarified confusion regarding the business address.

275 Susan Neilson, Seacoast Soul Models

276 Ms. Neilson explained that the property is large and includes a wooden path, labyrinth area, and
277 enough space for several yoga mats. She thought that the property abuts Route 236 and suspected
278 the noise level of the event to be low.

279 Councilor Spiller inquired on a plan for parking. Ms. Blethen expected that most guests will
280 carpool to the event. She added that the road is private and that there is plenty of on-street
281 parking. Vice Chairperson Denault affirmed that parking would not be an issue.

282 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

283 d. (070216-7) The Kittery Town Council moves to vote its nomination for Vice President
284 (1 term) and Executive Committee Members (3 year terms) as proposed by the MMA
285 Nominating Committee.

286 Chairperson Beers read the report into the record.

287 **A MOTION WAS MADE BY COUNCILOR THOMSON TO VOTE ITS NOMINATION**
288 **FOR VICE PRESIDENT (1 TERM) AND EXECUTIVE COMMITTEE MEMBERS (3**
289 **YEAR TERMS) AS PROPOSED BY THE MMA NOMINATING COMMITTEE,**
290 **SECONDED BY COUNCILOR WHITE.**

291 Councilor Dennett noted there is no choice involved in the voting because all the candidates are
292 predetermined.

293 Vice Chairperson Denault stated his abstention from the vote as he did not have enough
294 background knowledge of the candidates and wanted to avoid any erroneous vote.

295 **THE MOTION PASSED BY A ROLL CALL VOTE 4/0/3, WITH VICE CHAIRPERSON**
296 **DENAUT, COUNCILOR DENNETT, AND CHAIRPERSON BEERS ABSTAINING.**

297 e. (070216-8) The Kittery Town Council moves to release funds in the amount of \$3,500
298 from unassigned surplus and to deposit said funds into account #101740-68427 - Expense Self
299 Insurance Claims Coverage, to cover the cost of the deductible for an insurance claim.

300 **A MOTION WAS MADE BY COUNCILOR SPILLER TO RELEASE FUNDS IN THE**
301 **AMOUNT OF \$3,500 FROM UNASSIGNED SURPLUS AND TO DEPOSIT SAID**
302 **FUNDS INTO ACCOUNT #101740-68427 - EXPENSE SELF INSURANCE CLAIMS**
303 **COVERAGE, TO COVER THE COST OF THE DEDUCTIBLE FOR AN INSURANCE**
304 **CLAIM, SECONDED BY CHAIRPERSON BEERS.**

305 Vice Chairperson Denault asked for more information regarding the claim. Chairperson Beers
306 noted that the information is protected under the Privacy Act. Town Manager Granfield
307 responded to Councilor Thomson that nothing can be conveyed since it is a personnel situation.

308 Councilor Dennett stated the personnel code is designed to protect the individual. However, the
309 information can be provided without the name. He felt it is necessary to at least know what
310 department.

311 Councilor White asked if any information could be conveyed in a non-public executive session.
312 Chairperson Beers reminded that the identity of the employee is classified.

313 Councilor White noted that in past practice, the Council usually is provided general information
314 for what the claim is for. He stated his confidence that the Finance Director and Town Manager
315 determined it a necessary and proper payment. Town Manager Granfield confirmed to Vice
316 Chairperson Denault that the payment is necessary.

317 **THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

318 f. (070216-9) The Kittery Town Council moves to approve a one day extension of the
319 service area of the premises externally on the current liquor license for The Black Birch, from
320 3:00 p.m. to 10:00 p.m. on July 31, 2016, in celebration of their 5th Anniversary.

321 **A MOTION WAS MADE BY COUNCILOR WHITE TO APPROVE A ONE DAY**
322 **EXTENSION OF THE SERVICE AREA OF THE PREMISES EXTERNALLY ON THE**
323 **CURRENT LIQUOR LICENSE FOR THE BLACK BIRCH, FROM 3:00 P.M. TO 10:00**
324 **P.M. ON JULY 31, 2016, IN CELEBRATION OF THEIR 5TH ANNIVERSARY,**
325 **SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A UNANIMOUS**
326 **ROLL CALL VOTE 7/0/0.**

327 g. (070216-10) The Kittery Town Council moves to appoint a representative to meet with
328 the Chair of the Parks Commission to interview Richard Brooks for appointment to that board as
329 a full member until 12/31/19.

330 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPOINT COUNCILOR**
331 **THOMSON TO MEET WITH THE CHAIR OF THE PARKS COMMISSION TO**
332 **INTERVIEW RICHARD BROOKS FOR APPOINTMENT TO THAT BOARD AS A**
333 **FULL MEMBER UNTIL 12/31/19, SECONDED BY COUNCILOR DENAULT. THE**
334 **MOTION PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

335 h. (070216-11) The Kittery Town Council moves to appoint a representative to meet with
336 the Chair of the KCC Board of Directors to interview Kristi Mathieson for appointment to that
337 board until 12/31/19.

338 Councilor Dennett asked if the appointment could be made without interview. Chairperson Beers
339 responded that only the Economic Development Committee members can be appointed without
340 interview.

341 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPOINT CHAIRPERSON**
342 **BEERS TO MEET WITH THE CHAIR OF THE KCC BOARD OF DIRECTORS TO**
343 **INTERVIEW KRISTI MATHIESON FOR APPOINTMENT TO THAT BOARD UNTIL**

344 **12/31/19, SECONDED BY COUNCILOR DENAULT. THE MOTION PASSED BY A**
345 **UNANIMOUS VOICE VOTE 7/0/0.**

346 i. (070216-12) The Kittery Town Council moves to accept resignation of Peter Whitman
347 from the Kittery Port Authority.

348 **A MOTION WAS MADE BY COUNCILOR SPILLER TO ACCEPT RESIGNATION OF**
349 **PETER WHITMAN FROM THE KITTEY PORT AUTHORITY WITH REGRET,**
350 **SECONDED BY COUNCILOR LEMONT. THE MOTION PASSED BY A UNANIMOUS**
351 **ROLL CALL VOTE 7/0/0.**

352 j. (070216-13) The Kittery Town Council moves to schedule a public hearing for August
353 8, 2016, to ordain amendments to Title 13 of the Kittery Town Code.

354 **A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC**
355 **HEARING FOR AUGUST 8, 2016, TO ORDAIN AMENDMENTS TO TITLE 13 OF THE**
356 **KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE. THE MOTION**
357 **PASSED BY A UNANIMOUS VOICE VOTE 7/0/0.**

358 k. (070216-14) The Kittery Town Council moves to schedule a public hearing on August
359 8, 2016 to ordain by ordinance to follow Title 21-A §722-A Determination of Declared Write-in
360 Candidate.

361 **A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE A PUBLIC**
362 **HEARING ON AUGUST 8, 2016 TO ORDAIN BY ORDINANCE TO FOLLOW TITLE**
363 **21-A §722-A DETERMINATION OF DECLARED WRITE-IN CANDIDATE,**
364 **SECONDED BY COUNCILOR WHITE. THE MOTION PASSED BY A UNANIMOUS**
365 **VOICE VOTE 7/0/0.**

366 l. (070216-15) The Kittery Town Council moves to resolve a request for conflict of
367 interest determination.

368 The agenda item was requested by Councilor Thomson due to Vice Chairperson Denault's
369 family member affected by the sewer betterment project.

370 **A MOTION WAS MADE BY COUNCILOR THOMSON TO EXCLUDE VICE**
371 **CHAIRPERSON DENAULT FROM FURTHER VOTING ON ANY MATTER**
372 **PERTAINING TO THE SEWER BETTERMENT ASSESSMENT PROJECT,**
373 **SECONDED BY COUNCILOR SPILLER.**

374 Vice Chairperson Denault understood that this request was reviewed and billed by the Town
375 attorney and asked what that total cost was. He noted that the Town attorney determined no
376 conflict of interest. He reminded he has freely admitted and previously stated into the record that
377 his brother was a homeowner affected by the sewer betterment assessments.

378 Councilor Thomson felt it was not a question of honesty or integrity. The decision would likely
379 not change whether six or seven Councilors voted. He felt that the Charter is clear with its
380 definition of financial conflict of interest and he only wanted to ensure that the decision
381 regarding the sewer betterment is as transparent and clean as possible.

382 Councilor Spiller saw Vice Chairperson Denault as an effective advocate for residents. She

383 echoed what Councilor Thomson mentioned regarding the difference in one Councilor voting.
384 She thought it is incumbent on the Council to be as clean and open as can be.

385 Councilor Lemont explained while serving the legislature, it was explained to him by the State of
386 Maine Attorney General that there must exist a direct benefit for a conflict of interest to exist. He
387 thought that Vice Chairperson Denault could not potentially benefit from the situation.

388 Councilor White considered the relative as one of a class of beneficiaries. With that, he did not
389 see any conflict of interest and preferred to leave the decision with Vice Chairperson Denault.

390 Vice Chairperson Denault confirmed to Councilor Dennett that he does not have an interest in
391 his relative's property by deed nor financed the property.

392 Chairperson Beers respected Councilor Dennett's previous question, which shows that no direct
393 benefit exists. He stated that his vote would be in the negative since at least 10% of a contract or
394 ownership must exist.

395 Councilor Dennett suggested that Vice Chairperson Denault recuse himself in the event that the
396 relative files for a hearing. Vice Chairperson Denault agreed that would be the right course of
397 action.

398 **THE MOTION FAILED TO PASS BY A ROLL CALL VOTE 2/4/0 WITH COUNCILOR**
399 **WHITE, COUNCILOR LEMONT, COUNCILOR DENNETT, AND CHAIRPERSON**
400 **BEERS OPPOSED.**

401 m.(070216-16) The Kittery Town Council moves to approve amendments to the Wood
402 Island Repair, Maintenance and Use Agreement.

403 Chairperson Beers referenced Enclosure 3 in the Report to Town Council dated June 27, 2016.

404 **A MOTION WAS MADE BY COUNCILOR WHITE TO APPROVE AMENDMENTS**
405 **TO THE WOOD ISLAND REPAIR, MAINTENANCE AND USE AGREEMENT AS**
406 **PRESENTED, SECONDED BY COUNCILOR DENAULT.**

407 Councilor Dennett saw no required bond nor any indication that either parties must hold fire or
408 flood insurance. Chairperson Beers confirmed that statement.

409 Chairperson Beers further explained that the summation of this revision included minor
410 clarifications and revisions derived from Town Council approved changes on the January 25,
411 2016 document. It was his understanding the bond and insurance requirements related to the
412 contractual obligations held by the Wood Island Life Saving Station Association, as a recipient
413 of those grants, would cover those mentioned provisions. Thus, it was deemed unnecessary to be
414 included in the current agreement.

415 Councilor Dennett stated his intention to vote in the negative.

416 Councilor Spiller asked whether any attorney had reviewed this document since it was last
417 proposed and wondered whether that review would be useful. Chairperson Beers replied in the
418 negative because only the National Parks Program Service Manager approval is required for
419 existing agreement modifications. He confirmed to Councilor Spiller that the proposed
420 amendments include only minor changes and no substantive changes.

421 Councilor Thomson also sought legal review. He expressed various concerns regarding the
422 documentation and asked why the Council did not receive a formal written response, given that it
423 is a federal agency. Chairperson Beers noted in actual fact that the Town attorney expressed no
424 interest in reviewing the agreement after January 2016. The approved agreements were dated
425 January 25, 2016 and the letterhead document from the National Parks Service Program Manager
426 is dated February 19, 2016 upon delivery of signed copies to her, she will conduct final review
427 and ensure they meet the prerequisite conditions via e-mail.

428 Vice Chairperson Denault considered an e-mail as an official document.

429 Councilor Spiller added to her previous statement to place emphasis on having an attorney
430 perform review, not only the Town attorney.

431 Councilor White felt that the agreement was well vetted and understood that Attorney
432 McEachern had the desire to move away from the contract. He thanked the working group, Town
433 Manager Granfield, WILSSA, and Ms. LaForest. He hoped that the amendment is approved, so
434 that the current project can continue.

435 Councilor Thomson indicated the e-mail provided was dated June 24, 2016, yet the final
436 document June 27, 2016. Chairperson Beers claimed it was an administrative error. He believed
437 that the NPS Program Manager and WILSSA understood the terms of the amendment dated June
438 27, 2016 and offered to request confirmation, if necessary.

439 Councilor Thomson cited written language regarding voluntary termination in the event of
440 significant damages from unforeseen circumstances indicated on Page 7, Item 18. Chairperson
441 Beers clarified that if cost for damages exceed 75%, WILSSA can terminate the contract without
442 penalty.

443 Chairperson Beers reminded that failure to approve the amendment to the contract would result
444 in the existing contract to remain in effect.

445 **THE MOTION PASSED BY A ROLL CALL VOTE 4/3/0 WITH COUNCILOR**
446 **SPILLER, COUNCILOR DENNETT, AND COUNCILOR THOMSON OPPOSED.**

447 n. (070216-17) The Kittery Town Council moves to approve revisions to the Wood
448 Island Concession Agreement.

449 Chairperson Beers indicated that the reference document is titled Enclosure 2, Report to Town
450 Council. He noted typographical error at lines 314-315 to replace "1,000,000" with "100,000."

451 **A MOTION WAS MADE BY COUNCILOR DENAULT TO APPROVE AMENDMENTS**
452 **TO THE WOOD ISLAND REPAIR, MAINTENANCE AND USE AGREEMENT,**
453 **SECONDED BY COUNCILOR WHITE.**

454 Councilor Dennett expressed concern that the contract does not indicate it is governed by the
455 State of Maine. Chairperson Beers indicated that according to the NPS Program Manager, it is
456 governed under federal law. Councilor Dennett recommended that the Town not be at risk for
457 possible exemptions from liability under Maine law, thus, the language should be included in the
458 contract. Chairperson Beers understood that Maine laws would subsequently govern a contract
459 executed between two parties in the State of Maine. Councilor White suggested that the terms be

460 incorporated into an addendum after voting.

461 Councilor Thomson stated his concern that the document is dated July 11, 2016 and the e-mail
462 from Ms. LaForest is dated June 24, 2016. He felt there is no substantiating evidence that shows
463 Ms. LaForest reviewed the document on June 24, 2016. Chairperson Beers responded that he
464 would seek confirmation and expressed regret for the document dating errors.

465 Councilor Thomson cited verbiage on Page 3, Item C and questioned what would result if a
466 maritime museum is not completed. Councilor Beers replied that the concession agreement is not
467 engaged unless the museum is completed under the repair and maintenance contract.

468 Councilor Thomson referenced and questioned the statement under Item D, Section 4 regarding
469 public access to the pier and limitations on allowed tie up periods. Chairperson Beers indicated
470 that Wood Island would be fully available for public access at all times. The concession
471 agreement does not guarantee mooring docking or other any other than access at large.

472 Councilor Thomson reaffirmed that the document had not received legal review. Councilor
473 Spiller felt legal review would help to alleviate the issues raised. Chairperson Beers further
474 clarified the detailed terms and conditions of pier mooring and public access times.

475 Councilor Spiller expected that if WILSSA hosts an event on the island that is not part of the life
476 saving station, then they pledge public access during that event. Chairperson Beers affirmed that
477 to be correct.

478 **THE MOTION PASSED BY A ROLL CALL VOTE 4/3/0 WITH COUNCILOR**
479 **THOMSON, COUNCILOR DENNETT, AND COUNCILOR SPILLER OPPOSED.**

480 14. COUNCILOR ISSUES OR COMMENTS

481 Councilor Lemont requested that concerns regarding activities on Kittery Point bridge be
482 addressed. People fishing off the bridge are reported as leaving litter and being disrespectful.
483 Chairperson Beers asked Town Manager Granfield to research the situation.

484 Councilor Spiller noted the same complaint mentioned by Councilor Lemont. A number of cars
485 and large groups of people have been reported standing in the middle of Crockett Neck Road.

486 Vice Chairperson Denault followed up with Town Manager Granfield regarding the manhole on
487 South Eliot Road that he mentioned at the previous meeting. She replied that it was looked at and
488 will be repaired after all work has completed.

489 Vice Chairperson Denault announced those Kittery residents who have recently passed as
490 follows:

- 491 • Evelyn L. Lawrence
- 492 • Charles Patrick "Mickey" Gaffney Jr
- 493 • Mary Daigle Dennett
- 494 • Richard "Rick" Rossiter
- 495 • Thomas R. Wenck
- 496 • Gerald F. Walker –
- 497 • Barbara (Pettigrew) Rowell

- 498 • Anne C. Cullen
- 499 • Robert Wayne “Bob” Chick
- 500 • Carol Scism
- 501 • Louise E. Bocchino
- 502 • Barbara Rowell
- 503 • Barbara A. Nutter
- 504 • Raymond Dennis VanGorder, Sr
- 505 • Kathleen “Dwane” Battcock
- 506 • William J. McLaughlin

507 Vice Chairperson Denault responded to the concerns raised involving a conflict of interest that
508 he had no specific issues to the statements made.

509 Vice Chairperson Denault stated his recollection of how the Town handled a federal grant
510 received in 1969 to establish the Kittery Sewer Department. He stated various concerns
511 regarding that project in comparison to the current sewer betterment project.

512 Councilor White asked whether the Town has researched the potential benefits of combining into
513 one group all the residents that plan seek sewer connection construction.

514 Councilor White recommended that rank voting be considered for board and commission
515 nominations. He thought it may help to alleviate the difficulties that have been encountered.

516 Councilor Thomson could not attest to Vice Chairperson Denault’s statement regarding his
517 personal property ownership.

518 Councilor Thomson asked if MMA or any Town auditing firm could conduct an independent
519 financial review of the sewer betterment process.

520 Councilor Thomson said that an individual suggested that the sidewalk at the water/inlet side
521 near Gate 2 of PNSY could be removed and turned into a turning lane. He asked if the DPW
522 could consider that recommendation.

523 Chairperson Beers cited an e-mail from Sean Harris addressed to Shelley Bishop and Bob
524 Marchi, both Kittery Code Enforcement Officers, to thank the staff for addressing old issues. The
525 letter mentioned that the process went smoothly to resolve issues building permits for a particular
526 parcel.

527 15. COMMITTEE AND OTHER REPORTS

528 a. Communications from the Chairperson – None.

529 b. Committee Reports – None.

530 16. EXECUTIVE SESSION

531 a. (070216-18) The Kittery Town Council moves to go into executive session with the
532 Town Manager in accordance with 1 M.R.S. §405 (6) C, to discuss a land acquisition

533 **A MOTION WAS MADE BY COUNCILOR WHITE TO GO INTO EXECUTIVE**
534 **SESSION AT 8:53 P.M. WITH THE TOWN MANAGER IN ACCORDANCE WITH 1**

535 M.R.S. §405 (6) C TO DISCUSS A LAND ACQUISITION, SECONDED BY
536 COUNCILOR THOMSON. THE MOTION PASSED BY A UNANIMOUS ROLL CALL
537 VOTE 7/0/0.

538 A MOTION WAS MADE BY COUNCILOR THOMSON TO COME OUT OF
539 EXECUTIE SESSION AT 9:05 P.M., SECONDED BY COUNCILOR WHITE. THE
540 MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.

541 17. ADJOURNMENT

542 A MOTION WAS MADE BY COUNCILOR THOMSON TO ADJOURN THE MEETING
543 AT 9:06 P.M., SECONDED BY COUNCILOR WHIT. THE MOTION PASSED BY A
544 UNANIMOUS VOICE VOTE 7/0/0.

545 Submitted by Marissa Day, Minutes Recorder, on July 29, 2016.

546 *Disclaimer: The following minutes constitute the author's understanding of the meeting. While*
547 *every effort has been made to ensure the accuracy of the information the minutes are not intended*
548 *as a verbatim transcript of comments at the meeting, but a summary of the discussion and*
549 *actions that took place. For complete details, please refer to the video of the meeting on the*
550 *Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*

1. Call to Order

Chairperson Beers called the meeting to order at 6:00 p.m.

2. Introductory

Chairperson Beers read the introductory.

3. Pledge of Allegiance

Chairperson Beers led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault, Councilors Frank Dennett, Russell White, Jeffrey Thomson, Judith Spiller, Kenneth Lemont.

Also present was Carol Granfield, Interim Town Manager; Maryann Place, Town Clerk, Cindy Saklad, Finance Director; George Kathios, Superintendent of Sewer Services;

5. Public Hearing

(080216-1) The Kittery Town Council moves to hold a public hearing on the 2015 Sewer Main Extension Project Assessment Plan subject matter of the assessments.

Chairperson Beers provided a brief background and explanation of proposed changes in the plan to include, but not limited to, connection fees, connection mandates, Title 13 revisions, repayment options, various fiscal considerations, stipulations for accessory dwelling units, specific easements, payment agreements, deferral options, quarterly fees for non-connected properties, agricultural/forest/open space/wildlife habitat considerations, and the appeal and arbitration process. He reminded that individual circumstances that may have warranted an exemption were predetermined in the plan, then the remainder of the assessments would have to have been redistributed. Hence, those certain exceptions will be reviewed through the appeals and arbitration process.

Chairperson Beers opened the public hearing.

Tricia Robillard, Martin Road

Ms. Robillard thanked all for their efforts. The initial fees presented in January were overwhelming and she appreciated the reduced betterment costs and ordinance revisions, specifically the deferral duration and quarterly abatement charges.

Jennifer Thayer, 47 Martin Road

Ms. Thayer was pleased with the revisions proposed. After discussion with other communities, she learned that seven Towns do not have betterment or impact fees. She felt the situation in Kittery has posed incredible, undue burden.

Kathy Hawkes, 16 Stevenson Road

Ms. Hawkes appreciated the efforts for revisions made to shift almost \$2.4 million. She was hopeful that people will be receptive to the changes.

36 Mark Nelson, 55 Martin Road

37 Mr. Nelson suggested that in future projects proper communication be encouraged.

38 David Garrison, Business Owner of 1 Route 236

39 Mr. Garrison thanked all for the time contributed to the process. He explained that he was
40 surprised to learn that no compensation will be provided to him for being an easement provider.
41 He expressed concerns for personal incurred costs with that negotiation and felt the process was
42 deceitful.

43 Mr. Garrison referenced Section 13.1.4.b regarding repayment periods. Chairperson Beers
44 replied to his questions that the general obligation bond lasts twenty years. Mr. Garrison
45 questioned why all the taxpayers are not to be responsible for the project. Chairperson Beers
46 responded that the proposed plan is entirely legal based on the auditor's response.

47 Chairperson Beers closed the public hearing.

48 6. Old Business

49 a. (080116-1) The Town of Kittery hereby ordains revisions to Town Code Title 13,
50 Public Services, as follows: Chapter 1, Article I. In General; Article IV. Main Extensions; Article
51 VI. New Sewer Service Connection Fees; and, Chapter 13.2. Sewer Service Decision Appeals, as
52 presented. [Postponed to this date from August 08, 2016]

53 **THE MOTION MADE BY VICE CHAIRPERSON DENAULT TO ORDAIN REVISIONS**
54 **TO TITLE 13 OF THE KITTEY TOWN CODE AS FOLLOWS, CHAPTER 1**
55 **ARTICLE 1 IN GENERAL, ARTICLE 5 MAIN EXTENSIONS, ARTICLE 6 NEW**
56 **SEWER SERVICE CONNECTION FEES, AND CHAPTER 13.2 SEWER SERVICE**
57 **DECISION APPEALS, AS AMENDED, SECONDED BY CHAIRPERSON BEERS, AT**
58 **THE AUGUST 8, 2016 MEETING WAS RETURNED TO THE FLOOR.**

59 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO AMEND THE**
60 **MAIN MOTION TO INCLUDE REVISIONS TO THE PROPOSAL LABELED**
61 **ENCLOSURE #2 KITTEY TOWN CODE TITLE 13 - PROPOSED AMENDMENTS 08-**
62 **08-2016 AS PRESENTED IN THE DOCUMENT LABELED ENCLOSURE #3 TITLE 13**
63 **PUBLIC HEARING DRAFT PROPOSED AMENDMENTS VERSION 2 08-12-2016,**
64 **SECONDED BY COUNCILOR SPILLER.**

65 Councilor Dennett thought the Enclosures captures the intent, but asked whether further Council
66 review could be had to refine minor details in the document. Chairperson Beers responded that it
67 could be presented at the next Council meeting. Councilor Dennett clarified to Councilor Spiller
68 that the second review would not deem any substantive changes.

69 **THE MAIN MOTION WAS AMENDED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

70 **A MOTION WAS MADE BY COUNCILOR THOMSON TO SEPARATE THE MAIN**
71 **MOTION BY EACH ARTICLE TO REQUIRE SEPARATE VOTING ON EACH,**
72 **SECONDED BY COUNCILOR WHITE. THE MOTION FAILED TO PASS BY A ROLL**
73 **CALL VOTE 3/4/0 WITH COUNCILOR DENNETT, COUNCILOR LEMONT, VICE**
74 **CHAIRPERSON DENAULT, AND CHAIRPERSON BEERS OPPOSED.**

75 Councilor Thomson asked whether the property owner is responsible for a betterment fee during
76 the period of time when the connection mandate is excepted for systems less than 20 years old.
77 Chairperson Beers replied that betterment fees would still apply in that situation. The proposed
78 change only affects connection mandates and quarterly usage fees.

79 Councilor Thomson asked how the revenue stream accounts for those properties not paying
80 quarterly usage fees. Chairperson Beers did not have those projections. However, he drew
81 attention to the fact that the scenarios were reviewed by the auditor and the actual cumulative
82 funds available depicted in the debt service schedule proposes an achievable situation.

83 Councilor Thomson asked how borrowing from various CIP funds will affect the departments.
84 Chairperson Beers referenced one of the auditor's scenarios, which suggests; no development in
85 TIF #3, the first reserve amount necessary from CIP as a loan would occur in FY2026, over the
86 following 10 years a total of \$2,378,871 would be loanable, and repayment would subside in the
87 following two years. He concluded that the worst case scenario is considered feasible and
88 achievable with careful fiscal management.

89 Councilor Thomson questioned why the payback period was lengthened given that proposed
90 betterment costs were reduced to the historical average. Chairperson Beers explained his
91 understanding that Council asked staff to formulate a proposal that combines all measures
92 intended to mitigate the personal impact. It remains with Council to decide whether the proposed
93 plan could be approved or not.

94 Councilor Thomson felt the auditor's response is tepid at best. Based on his experience, he felt
95 concerned that the proposal resembles a 'municipal version of a Ponzi scheme'.

96 **THE MOTION PASSED BY A ROLL CALL VOTE 6/1/0, WITH COUNCILOR**
97 **THOMSON OPPOSED.**

98 7. Discussion

99 a. Discussion by members of the public (only on item 8 below and three minutes per
100 person)

101 No discussion by members of the public was had.

102 b. Chairperson's response to public comments – None.

103 8. New Business

104 a. (080216-3) The Kittery Town Council moves, pursuant to Town Code Title 13,
105 Article IV, to adopt by resolution the 2015 Sewer Main Extension Project Assessment Plan to be
106 filed with the town clerk; and, filed with and certified to the tax collector for collection.

107 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO ADOPT BY**
108 **RESOLUTION THE 2015 SEWER MAIN EXTENSION PROJECT ASSESSMENT**
109 **PLAN TO BE FILED WITH THE TOWN CLERK; AND, FILED WITH AND**
110 **CERTIFIED TO THE TAX COLLECTOR FOR COLLECTION, SECONDED BY**
111 **COUNCILOR WHITE.**

112 Chairperson Beers explained the sequence of motions would mirror the sections of each plan.

113 The section of the plan titled Assessment Calculations was referenced.

114 **A MOTION WAS MADE BY COUNCILOR DENNETT TO DELETE FROM THE 2015**
115 **2015 SEWER MAIN EXTENSION PROJECT ASSESSMENT PLAN THE FOLLOWING**
116 **TWO PROPERTIES: MAP 29, LOT 24 SHAPLEIGH FIELD AND MAP 37, LOT 3,**
117 **SHAPLEIGH SCHOOL BOTH OWNED BY THE TOWN OF KITTERY, SECONDED**
118 **BY COUNCILOR WHITE.**

119 Councilor Dennett explained that the Shapleigh School is already on public sewer that was paid
120 entirely by the bond issue. An assessment on the lot would raise tax rates, which was reported
121 not to occur in the bond issue. Chairperson Beers confirmed to Vice Chairperson Denault the
122 Shapleigh Field was not assessed for sewer.

123 **THE MOTION PASSED BY ROLL CALL VOTE 6/1/0, WITH VICE CHAIRPERSON**
124 **DENAULT OPPOSED.**

125 The section of the plan titled Attachment 1 – The Map was referenced. Chairperson Beers noted
126 that parcels 11-CEM, 11-10, 20-20B, 29, 24, and 2703 are to be removed from the map.

127 Councilor Dennett referenced lines 56-57. Chairperson Beers confirmed to Councilor Dennett
128 that five parcels indicated without gravity flow have the right to appeal.

129 **A MOTION WAS MADE BY CHAIRPERSON BEERS TO ADD A SENTENCE TO**
130 **BOTH PARAGRAPHS AT LINES 109-119 TO READ: “PROPERTIES NOT REQUIRED**
131 **TO CONNECT AT THE TIME OF A MAIN EXTENSION PROJECT FOR THIS**
132 **REASON MUST DO SO WHEN THE EXISTING SEPTIC LEECH FIELD SYSTEM**
133 **FAILS OR MUST OTHERWISE BE REPLACED” AND AT LINE 126 TO REPLACE**
134 **“10” WITH “20”, SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION**
135 **PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

136 Councilor White referenced line 163-168 regarding parcels farm and open space, conservation
137 easement or open space designation and asked whether the owner is required to take action.
138 Chairperson Beers explained that the owner must demonstrate proof if their parcel applies to that
139 exception and it is not recorded in the tax roll. That action would comply with the same timeline
140 for appeal and arbitration process indicated in the plan.

141 **THE MAIN MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 7/0/0.**

142 Chairperson Beers noted that notice of public hearing will be submitted within ten days.

143 b. (080216-4) The Kittery Town Council endorses the Town Manager’s Mortgage,
144 Promissory Note & Payment Plan; Appeals; and, the Town Clerk Hearing Order of Notice model
145 documents as the basis for administering the 2015 Project Assessment Plan.

146 **A MOTION WAS MADE BY COUNCILOR WHITE TO ENDORSE THE TOWN**
147 **MANAGER’S MORTGAGE, PROMISSORY NOTE & PAYMENT PLAN; APPEALS;**
148 **AND, THE TOWN CLERK HEARING ORDER OF NOTICE MODEL DOCUMENTS**
149 **AS THE BASIS FOR ADMINISTERING THE 2015 PROJECT ASSESSMENT PLAN,**
150 **SECONDED BY COUNCILOR SPILLER.**

151 Councilor Dennett referenced the Town Clerk’s notice on page 2 of 3 titled Authenticated Copy

152 of the Assessment and Hearing Order of the Sewer Assessment.

153 **A MOTION WAS MADE BY COUNCILOR DENNETT TO REPLACE “OF RECEIPT**
154 **OF THIS LETTER” WITH “OF HEARING BY MUNICIPAL OFFICERS” ON PAGE 2**
155 **OF 3 OF THE TOWN CLERK’S OFFICE NOTICE, SECONDED BY COUNCILOR**
156 **THOMSON. THE MOTION PASSED BY UNANIMOUS ROLL CALL VOTE 7/0/0.**

157 **A MOTION WAS MADE BY COUNCILOR DENNETT TO REPLACE “WITHIN THE**
158 **PAST 20 YEARS” WITH “WITHIN THE 20-YEAR PERIOD PRIOR TO THE MAIN**
159 **EXTENSION PROJECT”, SECONDED BY CHAIRPERSON BEERS. THE MOTION**
160 **PASSED BY UNANIMOUS ROLL CALL VOTE 7/0/0.**

161 **THE MAIN MOTION AS AMENDED PASSED BY A UNANIMOUS ROLL CALL**
162 **VOTE 7/0/0.**

163 c. (080216-5) The Kittery Town Council moves to schedule a hearing date on
164 September 19, 2016 to be published in the Town Clerk Hearing Order of Notice for the adopted
165 2015 Sewer Main Extension Project Assessment Plan and delivered to assessed property owners
166 pursuant to Town Code Title 13, Article IV.

167 **A MOTION WAS MADE BY COUNCILOR SPILLER TO SCHEDULE A HEARING**
168 **DATE ON SEPTEMBER 19, 2016 TO BE PUBLISHED IN THE TOWN CLERK**
169 **HEARING ORDER OF NOTICE FOR THE ADOPTED 2015 SEWER MAIN**
170 **EXTENSION PROJECT ASSESSMENT PLAN AND DELIVERED TO ASSESSED**
171 **PROPERTY OWNERS PURSUANT TO TOWN CODE TITLE 13, ARTICLE IV,**
172 **SECONDED BY COUNCILOR WHITE. THE MOTION PASSED BY UNANIMOUS**
173 **ROLL CALL VOTE 7/0/0.**

174 9. ADJOURNMENT

175 **A MOTION WAS MADE BY COUNCILOR WHITE TO ADJOURN THE MEETING AT**
176 **6:55 P.M., SECONDED BY VICE CHAIRPERSON DENAULT. THE MOTION PASSED**
177 **BY A UNANIMOUS VOICE VOTE 7/0/0.**

178 Submitted by Marissa Day, Minutes Recorder, on August 25, 2016.

179 *Disclaimer: The following minutes constitute the author's understanding of the meeting. While*
180 *every effort has been made to ensure the accuracy of the information the minutes are not intended*
181 *as a verbatim transcript of comments at the meeting, but a summary of the discussion and*
182 *actions that took place. For complete details, please refer to the video of the meeting on the*
183 *Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*

1 1. Call to Order

2 Chairperson Beers called the meeting to order at 7:00 p.m.

3 2. Introductory

4 Chairperson Beers read the introductory.

5 3. Pledge of Allegiance

6 Chairperson Beers led those present in the Pledge of Allegiance.

7 4. Roll Call

8 Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault,
9 Councilors Frank Dennett, Russell White, Kenneth Lemont, and Judith Spiller.

10 Absent from the roll call was Councilor Jeffrey Thomson.

11 5. Agenda Amendment and Adoption

12 Agenda was adopted as presented.

13 6. Town Manager's Report

14 Town Manager Granfield reviewed her written report.

15 **Grant** – The award notice from the Bureau of Parks and Lands for the Land and Water
16 Conservation Fund in the amount of \$187,000 was received.

17 **Library** – The Rice Public Library had over 500 children in Summer Reading program, which is
18 positive growth . The summer program concludes with an event on August 30 at Fort Foster to
19 show Star Wars.

20 **Personnel Board** – A meeting is being coordinated with the Board to review job descriptions
21 and propose Title 2 modifications and a public hearing.

22 **Title 4 Committee** – A meeting date will be confirmed soon to discuss Title 4 updates with the
23 Committee.

24 **Retirement** – A retirement gathering will be held on Thursday, August 25, 2016 from 3:00 –
25 5:30pm at KCC to honor Commissioner Norman Albert and wish him well.

26 **Betterment Assessment and Direction** – As a result of the adopted plan, certified letters will be
27 sent out to all affected property owners. Information will be posted on website with various
28 forms. Per what was discussed, a review of Title 13 on related categories needs to be revised and
29 determination of feasibility for additional charges. As a result of the auditor's review, the bond
30 debt services will require significant legal and technical attention to TIF #3 and increased fiscal
31 management.

32 **Foreside Parking Meeting** – A meeting is scheduled for August 23, 2016 at 6:00pm to discuss

33 options from business owners and residents regarding available and potential parking in the
34 Foreside. An intern did a great job of conducting a parking study to understand what hours and
35 lots are available. There are approximately 400 parking spots on Government, Walker, and
36 Wentworth Streets.

37 Town Manager Granfield reviewed an item not included in her written report.

38 **New Commissioner** – A new Commissioner of DPW has been hired after receiving 13
39 applications and conducting 6 interviews (2 internal applicants) from a panel with DPW workers.
40 The position was offered and received by an internal candidate, David Rich. He has held a
41 variety of positions in Palm Beach, FL and has worked in Kittery since 2014.

42 **Part-Time Secretary to Town Manager** – The part-time secretary to Town Manager position is
43 still open and accepting applications. The intern that conducted the parking study may assist with
44 those duties in the interim.

45 **Resource Recovery Center Closure** – The Resource Recovery Center will be closed next
46 Tuesday, August 30 from 12:00 – 2:00pm.

47 The Council reached consensus to request from staff draft changes to Title 13 regarding
48 categories of use and use charge, feasibility for charges of additional faucets, and minimum
49 charges for impact fees. Also, the auditor and TIF attorney should develop a proposal with legal
50 and technical attention for potential amendment of TIF #3 with the Department of Economic and
51 Community Development.

52 Chairperson Beers noted the recent ordainment of revisions to Title 13 are effective September
53 14. It was advised to Mr. Kathios that connection notices be sent after that date.

54 7. Acceptance of Previous Minutes

55 Regular Meeting – October 14, 2015

56 **A MOTION WAS MADE BY COUNCILOR WHITE TO ADOPT THE REGULAR**
57 **MEETING MINUTES OF OCTOBER 14, 2015 AS PRESENTED, SECONDED BY**
58 **COUNCILOR SPILLER. THE MOTION PASSED BY A VOICE VOTE 5/0/1, WITH**
59 **CHAIRPERSON BEERS ABSTAINING.**

60

61 Regular Meeting – August 8, 2016

62 Line 29 – replace “full-time to part-time” with “part-time to full-time”

63 Line 80 – replace “yay” with “yea”

64 Line 134 & 135 – replace “Dickinson” and “Dickson” with “Dixon”

65 Line 244 – replace “Councilor Dennett” with “Vice Chairperson Denault”

66 Line 260 – replace “Commission” with “Commissioner”

67 The minutes were adopted as amended.

68 8. Interviews for the Board of Appeals and Planning – None.

69 9. All items involving the town attorney, town engineers, town employees or other town
70 consultants or requested officials.

71 a. (080316-1) The Kittery Town Council moves to approve and authorize the Town

72 Manager to sign a York County Maine Public Works Mutual Aid Agreement.

73 Town Manager Granfield explained the agreement was proposed by the Commissioner and York
74 County, which intends to provide assistance in emergency services to communities. The various
75 stipulations regarding payment are delineated in the agreement.

76 Mr. Norm Albert did not yet receive answers from the Southern Maine Regional Planning
77 Commission to various questions raised.

78 Councilor Dennett requested that it be postponed to September 12, 2016 due to various concerns.
79 Chairperson Beers ordered to withdraw the item and Councilor Dennett would provide written
80 questions to Town Manager Granfield.

81 10. PUBLIC HEARINGS

82 a. (080316-2) The Kittery Town Council moves to hold a public hearing in accordance
83 with Sec. 6.09 (4) of the Kittery Town Charter to transfer appropriations between accounts and
84 carry forward requests.

85 Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers
86 closed the public hearing.

87 **A MOTION WAS MADE BY COUNCILOR WHITE TO TRANSFER**
88 **APPROPRIATIONS BETWEEN ACCOUNTS AND CARRY FORWARD REQUESTS,**
89 **SECONDED BY COUNCILOR SPILLER.**

90 Ms. Saklad clarified to Councilor Dennett that a large sum of accumulated sick time, vacation
91 time, and personal time will be paid out next week to Commissioner Norm Albert. She felt it
92 would be prudent to carry the balance requested forward to leave enough monies in accounts to
93 pay the salary of a new commissioner.

94 Councilor Dennett commented that other transfers were rather large. Ms. Saklad mentioned that
95 FY17 was tightened up a bit.

96 Ms. Saklad confirmed to Chairperson Beers that the numbers indicate 2016, not 2015.

97 Chairperson Beers stated in opposition of the motion due to receiving insufficient information.

98 **THE MOTION PASSED BY A ROLL CALL VOTE 5/1/0 WITH CHAIRPERSON**
99 **BEERS OPPOSED.**

100 Chairperson Beers responded to Councilor White that he preferred not to disclose what
101 information was lacking.

102 11. DISCUSSION

103 a. Discussion by members of the public (three minutes per person)

104 Kathy Hawkes, 16 Stevenson Road

105 Ms. Hawkes thought the Shapleigh School topic should have been raised sooner than later in
106 discussions for the revised sewer betterment plan. The public did not have the opportunity for
107 people to respond to the stated fact that the municipal facility had connection requirements. She

108 did not feel that projects in general have a central repository for information, which makes it
109 difficult for residents to obtain information. However, she recognized and appreciated that
110 Council is working to make the information more transparent.

111 Milton Hall, 51 Bowen Road

112 Mr. Hall noted the \$15,000 transfer for street lights came to his attention. He noted that there are
113 some street lights that stay on 24/7, which he mentioned a few meetings ago. He questioned why
114 the Harbormaster position description indicates reporting to the Kittery Port Authority and the
115 Town Manager since that appeared to be an issue with the last Harbormaster. He thanked
116 Commissioner Norm Albert for taking care of the museum.

117 b. Response to public comment directed to a particular Councilor – None.

118 c. Chairperson's response to public comments

119 Ms. Hawkes – One of the challenges related to communications is to have a central key figure in
120 administration and that is the most significant change to the new Town Manager.

121 Mr. Hall – The Kittery Port Authority is not a state board and rather a quasi-municipal
122 corporation. The Chairman of 2014 executed an agreement to indicate the Harbormaster be
123 placed under the Town Manager for certain specific functions. That topic is intended to be
124 discussed at an upcoming workshop.

125 12. UNFINISHED BUSINESS – None.

126 13. NEW BUSINESS

127 a. Donations/gifts received for Council disposition

128 (080316-3) The Kittery Town Council moves to accept a donation in the amount of
129 \$1,000 from Robert and Sylvia Carpenter to the Recreation Department for the Summer
130 Adventure Camp to be deposited in account #1000-24300 Advanced Program Sales.

131 **A MOTION WAS MADE BY COUNCILOR SPILLER TO ACCEPT A DONATION IN**
132 **THE AMOUNT OF \$1,000 FROM ROBERT AND SYLVIA CARPENTER TO THE**
133 **RECREATION DEPARTMENT FOR THE SUMMER ADVENTURE CAMP TO BE**
134 **DEPOSITED IN ACCOUNT #1000-24300 ADVANCED PROGRAM SALES WITH**
135 **THANKS, SECONDED BY COUNCILOR WHITE. THE MOTION PASSED BY A**
136 **UNANIMOUS VOICE VOTE 6/0/0.**

137 b. (080316-4) The Kittery Town Council moves to approve the disbursement warrants.

138 Town accounts payable of \$181,529.24.
139 Town accounts payable of \$2,679.00.
140 Sewer account payable of \$6,733.67.
141 School accounts payable of \$300,628.41.
142 Total of all disbursement warrants of \$491,570.32.

143

144 Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont that
145 the School warrants are in order.

146 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE THE**
147 **DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR WHITE. THE**
148 **MOTION PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

149 c. (080316-5) The Kittery Town Council moves to authorize Tributary Brewing Co. to
150 hold two special events on Saturday, September 10th, 12 noon to 8:00 p.m. and Saturday,
151 October 22nd, 12 noon to 8:00 p.m. and to extend the bonded area to a tent outside the tasting
152 room.

153 **A MOTION WAS MADE BY COUNCILOR WHITE TO AUTHORIZE TRIBUTARY**
154 **BREWING CO. TO HOLD TWO SPECIAL EVENTS ON SATURDAY, SEPTEMBER**
155 **10TH, 12 NOON TO 8:00 P.M. AND SATURDAY, OCTOBER 22ND, 12 NOON TO 8:00**
156 **P.M. AND TO EXTEND THE BONDED AREA TO A TENT OUTSIDE THE TASTING**
157 **ROOM, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A**
158 **UNANIMOUS ROLL CALL VOTE 6/0/0.**

159 d. (080316-6) The Kittery Town Council moves to authorize the Kittery PTA to hold its
160 annual Seaside 4-Miler Road Race on Sunday, September 25th at Fort Foster and to hang a
161 banner across Rogers Road from September 1st to September 25th to advertise the road race.

162 **A MOTION WAS MADE BY COUNCILOR WHITE TO AUTHORIZE THE KITTERY**
163 **PTA TO HOLD ITS ANNUAL SEASIDE 4-MILER ROAD RACE ON SUNDAY,**
164 **SEPTEMBER 25TH AT FORT FOSTER AND TO HANG A BANNER ACROSS**
165 **ROGERS ROAD FROM SEPTEMBER 1ST TO SEPTEMBER 25TH TO ADVERTISE**
166 **THE ROAD RACE, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED**
167 **BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

168 e. (080316-7) The Kittery Town Council moves to appoint Richard Brooks as a full
169 member to the Parks Commission until 12/31/19.

170 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO APPOINT**
171 **RICHARD BROOKS AS A FULL MEMBER TO THE PARKS COMMISSION UNTIL**
172 **12/31/19, SECONDED BY COUNCILOR SPILLER. THE MOTION PASSED BY A**
173 **UNANIMOUS ROLL CALL VOTE 6/0/0.**

174 f. (080316-8) The Kittery Town Council moves to appoint Joyce Tobey as Warden and
175 Sandra Lutts as Deputy Warden for the November 8, 2016 General and Municipal Election and
176 to approve the opening of the polls at 7:00 a.m. and closing at 8:00 p.m. at the Kittery
177 Community Center, 120 Rogers Road.

178 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPOINT JOYCE TOBEY**
179 **AS WARDEN AND SANDRA LUTTS AS DEPUTY WARDEN FOR THE NOVEMBER**
180 **8, 2016 GENERAL AND MUNICIPAL ELECTION AND TO APPROVE THE OPENING**
181 **OF THE POLLS AT 7:00 A.M. AND CLOSING AT 8:00 P.M. AT THE KITTERY**
182 **COMMUNITY CENTER, 120 ROGERS ROAD, SECONDED BY CHAIRPERSON**
183 **BEERS. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

184 g. (080316-9) The Kittery Town Council moves to appoint a representative to meet with
185 the Chair of the Port Authority to interview Mark Drummond for his re-appointment to that
186 board until 8/31/21.

187 A MOTION WAS MADE BY COUNCILOR BEERS TO RE-APPOINT MARK
188 DRUMMOND AS THE CHAIR OF THE PORT AUTHORITY UNTIL 8/31/21
189 WITHOUT BENEFIT OF INTERVIEW, SECONDED BY VICE CHAIRPERSON
190 DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.

191 14. COUNCILOR ISSUES OR COMMENTS

192 Councilor White noted that Charlie Patten will be interviewed August 23, 2016 for appointment
193 to the Kittery Port Authority.

194 Vice Chairperson Denault referenced the Council decision made at the last meeting regarding
195 betterment fees for the Shapleigh School and Field. He learned after the decision was made that
196 there are facilities for the concession stand. He agreed with the decision that the two parcels
197 should be removed from the betterment fees because the school already has a connected sewer
198 and does not require betterment.

199 Vice Chairperson Denault received several citizen complaints that were forwarded to Town
200 Manager Granfield. Those inquiries were handled instantaneously and he thanked Town
201 Manager Granfield for her prompt efforts.

202 Vice Chairperson Denault recognized individuals that have recently passed.

203 Councilor Lemont echoed Vice Chairperson Denault's compliment to Town Manager Granfield
204 for her prompt action regarding the crosswalk.

205 Councilor Lemont expressed concerns for the upcoming scheduled meeting with the Kittery Port
206 Authority. He thought that the Board may benefit from postponing the meeting given a few
207 known absences and other reasons.

208 Councilor Lemont recognized Rene S. Arsenault whom passed away unexpectedly on August 20,
209 2016.

210 15. COMMITTEE AND OTHER REPORTS

211 a. Communications from the Chairperson

212 There is a workshop scheduled with the Kittery Port Authority as agreed with by the Chair
213 followed by another workshop with the animal control officer regarding animal control.

214 b. Committee Reports

215 The Wood Island Concession Agreement amendment regarding Maine law governance is moot
216 because the language is already in the executed concession agreement.

217 Council hearings are anticipated to be held regarding assessment and will provide a basis for the
218 arbitrary protocol and Board of Appeals process. He welcomed comments to help promote an
219 efficient process for those hearings.

220 An interview is scheduled with Mr. Workman to appoint Ms. Mathieson to the Kittery
221 Community Center Board of Directors.

222 The arbitration panel is still accepting applications to be nominated by Council.

223 Councilor Thomson suggested that a workshop be held regarding the Rice Public Library prior to
224 the regular meeting on September 12. Councilor White and Councilor Spiller met with members
225 of the Library Board and made several fascinating conclusions, which the excerpts were
226 provided to Council. Chairperson Beers requested that those Councilors create an agenda for the
227 workshop on September 12, 2016.

228 The York Wild and River Scenic Committee will meet August 23, 2016 at 5:00pm and anticipate
229 presenting to Council in a workshop an overview of their progress.

230 16. EXECUTIVE SESSION

231 a. (080316-10) The Kittery Town Council moves to go in to executive session with the
232 Town Manager in accordance with 1 M.R.S. §405 (6) (A) to discuss a personnel matter.

233 **A MOTION WAS MADE BY COUNCILOR WHITE TO GO IN TO EXECUTIVE**
234 **SESSION AT 7:47 P.M. WITH THE TOWN MANAGER IN ACCORDANCE WITH 1**
235 **M.R.S. §405 (6) (A) TO DISCUSS A PERSONNEL MATTER, SECONDED BY VICE**
236 **CHAIRPERSON DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL**
237 **CALL VOTE 6/0/0.**

238 **A MOTION WAS MADE BY COUNCILOR SPILLER TO COME OUT OF**
239 **EXECUTIVE SESSION AT 8:55 P.M., SECONDED BY VICE CHAIRPERSON**
240 **DENAULT. THE MOTION PASSED BY A UNANIMOUS ROLL CALL VOTE 6/0/0.**

241 17. ADJOURNMENT

242 **A MOTION WAS MADE BY VICE CHAIRPERSON DENAULT TO ADJOURN THE**
243 **MEETING AT 8:56 P.M., SECONDED BY CHAIRPERSON BEERS. THE MOTION**
244 **PASSED BY A UNANIMOUS VOICE VOTE 6/0/0.**

245 Submitted by Marissa Day, Minutes Recorder, on August 29, 2016.

246 *Disclaimer: The following minutes constitute the author's understanding of the meeting. While*
247 *every effort has been made to ensure the accuracy of the information the minutes are not intended*
248 *as a verbatim transcript of comments at the meeting, but a summary of the discussion and*
249 *actions that took place. For complete details, please refer to the video of the meeting on the*
250 *Town of Kittery website at <http://www.townhallstreams.com/locations/kittery-maine>.*



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

cgranfield@kitteryme.org

Carol M. Granfield
Town Manager

INTEROFFICE MEMORANDUM

TO: TOWN COUNCIL
FROM: CAROL M. GRANFIELD, INTERIM TOWN MANAGER
SUBJECT: MUTUAL AID AGREEMENT
DATE: SEPTEMBER 8, 2016
CC: DAVID RICH, COMMISSIONER OF PUBLIC WORKS

At the August 22 Town Council meeting questions arose pertaining to the proposed York County Maine Public Works Mutual Aid Agreement. The concerns were discussed with the Southern Maine Planning District Commission and appropriate changes were made in Section 3 (A) – Personnel pertaining to the Assisting Party being responsible for their own workers' compensation. New agreements have been provided to all participating municipalities.

York County Maine Public Works Mutual Aid Agreement
Mutual Aid and Assistance Agreement

This public works mutual aid agreement is entered into on the ____ day of _____ 2016 ("Effective Date"), by and among the signatories hereto and the municipalities listed on Appendix D, all being bodies politic and corporate located in the County of York and State of Maine ("Agreement").

WHEREAS, 37-B M.R.S.A. § 784 authorizes political subdivisions of the state to develop and enter into mutual aid agreements for reciprocal emergency aid and assistance in case of emergencies too extensive to be dealt with unassisted;

WHEREAS, 37-B M.R.S.A. § 701 *et seq.*, 14 M.R.S.A. § 8101 *et seq.*, and related state statutes set forth details concerning powers, duties, rights, privileges, immunities of political subdivisions of the state rendering outside aid;

WHEREAS, 30-A M.R.S.A. § 2201 *et seq.* provides for interlocal cooperation between and among political subdivisions of the state;

WHEREAS, the State of Maine is geographically vulnerable to hurricanes, tornadoes, blizzards, and other natural disasters that in the past have caused severe property damage to public roads, utilities, buildings, parks, and other governmentally-owned facilities;

WHEREAS, the Parties to this Agreement recognize that additional public works manpower and equipment may be needed to mitigate further damage and restore vital services to the citizens of the affected community should such disasters occur and wish to work cooperatively in that regard;

WHEREAS, the political subdivisions also wish to undertake non-emergency joint public works projects in order to collaboratively gain from the extensive resources available from participating subdivisions as a whole;

WHEREAS, to provide the most effective mutual aid possible, the parties hereto intend to foster communications between their public works personnel and the public works personnel of other political subdivisions of the State by visits and exchange of information; and

WHEREAS, the parties to this Agreement encourage their public works personnel to implement detailed administrative procedures to be used during emergencies and other non-emergency joint public works projects which foster partnering,

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and promises contained herein, the Parties hereto agree as follows:

SECTION 1. DEFINITIONS

A. "*Agreement*" means this document, the York County Maine Public Works Mutual Aid Agreement.

B. "*Requesting Party*" means the political subdivision requesting aid in the event of an emergency or other non-emergency joint public works project.

C. "*Assisting Party*" means the political subdivision furnishing equipment and/or manpower to the Requesting Party.

D. "*Authorized Representative*" means an employee of a participating government authorized by that government to request, offer, or provide assistance under the terms of this Agreement (a list of the authorized representatives for the signing participating government is attached to this Agreement as Appendix A).

E. "*Emergency*" means any occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of public property and declared as such by the participating government.

F. "*Participating Government*" means any political subdivision of the State of Maine which executes this Public Works Mutual Aid Agreement.

G. "*Period of Assistance*" means the period of time beginning with the departure of any personnel of the Assisting Party from any point for the purpose of traveling to the location of the Requesting Party in order to provide assistance and ending upon the return of all personnel and equipment of the Assisting Party, after providing the assistance requested, to their residence or regular place of work, whichever occurs first. The Period of Assistance shall not include any portion of the trip to the Requesting Party or the return trip from the Requesting Party during which the personnel of the Assisting Party are engaged in a course of conduct not reasonably necessary for their safe arrival at or return from the location of the Requesting Party.

H. "*Political Subdivision*" means any county or municipality created pursuant to Maine law.

I. "*Work or Work-Related Period*" means any period in which either the personnel or equipment of the Assisting Party are being used by the Requesting Party to provide assistance and for which the Requesting Party will reimburse the Assisting Party. Specifically included within such period of time are rest breaks when the personnel of the Assisting Party will return to active work within a reasonable time. Specifically excluded from such period of time are breakfast, lunch, and dinner breaks.

SECTION 2. PROCEDURES

When a Participating Government becomes affected by an Emergency, it shall invoke Emergency-related mutual aid assistance by declaring a state of local emergency. The following procedures shall then be followed to request public works mutual aid from another Participating Government. These same procedures should also be applied when requesting assistance for non-emergency joint public works projects.

A. The Requesting Party shall contact the Authorized Representative of one or more of the Participating Governments and provide them with the following information.

1. A general description of the damage sustained;
2. Identification of the part of the infrastructure system for which assistance is needed (e.g., streets, sanitary sewer, potable water, or storm water systems) and the type of work assistance needed;
3. The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed;
4. The present weather conditions and the forecast for the next twenty-four hours;
5. A specific time and place for a representative of the Requesting Party to meet the personnel and equipment of the Assisting Party;
6. The recommended route between the Requesting Party's and Assisting Parties' locations and the travel conditions along that route, based on the best information available.

B. When contacted by a Requesting Party, the Authorized Representative of a Participating Government shall assess his government's situation to determine whether it is capable of providing assistance. No Participating Government shall be under any obligation to provide assistance to a Requesting Party. If the Authorized Representative determines that their Participating Government is capable of and willing to provide assistance, they shall so notify the Authorized Representative of the Requesting Party, and provide reasonable estimates of the following information:

1. A complete description of the personnel, equipment, and materials to be furnished to the Requesting Party;
2. The length of time the personnel, equipment, and materials will be available;
3. The areas of experience and abilities of the personnel and the capability of the equipment to be furnished;
4. The name of the person or persons to be designated as supervisory personnel;
5. The estimated time when the assistance provided will arrive at the location

designated by the Authorized Representative of the Requesting Party.

C. The personnel and equipment of the Assisting Party shall remain, at all times, under the direct supervision and control of the designated supervisory personnel of the Assisting Party. Representatives of the Requesting Party shall suggest work assignments and schedules for the personnel of the Assisting Party; however, the designated supervisory personnel of the Assisting Party shall have the exclusive responsibility and authority for assigning work and establishing work schedules for the personnel of the Assisting Party. The designated supervisory personnel of the Assisting Party shall maintain daily personnel time records, material records and a log of equipment hours; shall be responsible for the operation and maintenance of the equipment furnished by the Assisting Party; and shall report work progress to the Requesting Party. Notwithstanding, anything found elsewhere in this Agreement, the supervisory personnel of the Assisting Party shall have the exclusive right to refuse work deemed by them to be dangerous, unsafe or inappropriate for their crews, equipment, or supplies, given the circumstances.

D. The Assisting Party may, in its sole discretion, withdraw its assistance (in whole or in part) at anytime after giving notice to that effect to the Requesting Party.

E. The Requesting Party, during a declared emergency, shall, as necessary, provide food and housing for the personnel of the Assisting Party from the time of their arrival at the designated location to time of their departure. Such benefit shall be furnished when conditions are not suitable for travel or when extended hours of work will not permit sufficient rest period.

F. The Requesting Party shall provide communications between the personnel of the Assisting Party and the Requesting Party.

G. Whenever the employees of the Assisting Party are rendering outside aid pursuant to this Agreement, such employees shall have the powers, duties, rights, privileges, and immunities, and shall receive compensation, incidental to their employment.

H. The Requesting Party shall complete a written agreement regarding the assistance to be rendered, setting forth the terms agreed upon in the telephone request to the Assisting Party, and shall transmit said agreement by the quickest practical means to the Assisting Party for approval. A sample form is attached as Appendix C. The Assisting Party shall acknowledge the written agreement by executing and returning a copy to the Requesting Party by the quickest practical means, maintaining a copy for its files.

SECTION 3. REIMBURSABLE EXPENSES

The terms and conditions governing reimbursement for any assistance provided under this Agreement shall be in accordance with the following provisions, unless otherwise agreed upon by the involved Parties and specified in the written agreement executed in accordance with paragraph 2.H. of this Agreement.

A. *Personnel*: During the Period of Assistance, the Assisting Party shall continue to pay its employees according to its then prevailing ordinances, rules, regulations, and contracts. The employees of the Assisting Party participating in any services provided to the Requesting Party shall at all times and for all purposes remain employees of the Assisting Party. However, the Requesting Party shall reimburse the Assisting Party for all direct and indirect payroll costs and expenses incurred during the Period of Assistance, including, but not limited to, employee wages and payroll taxes as provided by Generally Accepted Accounting Principles (GAAP). The Assisting Party shall be responsible to provide coverage of its employees as required by the Maine Workers' Compensation Act of 1992 (39-A Sections 101-909). The Requesting Party may be liable for damages sustained by an employee of the Assisting Party during the Period of Assistance as set forth in the Act. The injured employee and the Assisting Party shall be entitled to seek and/or recover compensation, benefits and/or damages as provided under the Act.

B. *Equipment*: The Assisting Party shall be reimbursed for the use of its equipment during the Period of Assistance according to the latest FEMA Schedule of Equipment Rates. Each rate covers all costs eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., for ownership and operation of equipment, including depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires, OSHA equipment and other costs incidental to operation. The Assisting Party shall pay for all repairs to its equipment as determined necessary by its on-site supervisor(s) to maintain such equipment in safe and operational condition. At the request of the Assisting Party, fuels, miscellaneous supplies, and minor repairs for the Assisting Party's equipment during the period of assistance may be provided by the Requesting Party, if practical. The total equipment charges to the Requesting Party shall be reduced by the total value of the fuels, supplies, and repairs furnished by the Requesting Party.

C. *Materials and Supplies*: The Assisting Party shall be reimbursed for all materials and supplies furnished by it and used or damaged during the period of assistance, unless such damage is caused by gross negligence, willful or wanton misconduct, intentional misuse, or recklessness of the Assisting Party's personnel. The Assisting Party's personnel shall use reasonable care under the circumstances of a declared emergency in the operation and control of all materials and supplies used by them during the period of assistance. The measure of reimbursement shall be the replacement cost of the materials and supplies used or damaged plus ten (10) percent of such cost. In the

alternative, the involved Parties may agree that the Requesting Party will replace, with like kind and quality as determined by the Assisting Party, the materials and supplies used or damaged.

D. *Record Keeping*: The Assisting Party shall maintain records and submit invoices for reimbursement by the Requesting Party using formats recommended by FEMA publication DR&R 7 (Disaster Response and Recovery). Requesting Party finance personnel shall provide information, directions, and assistance for record keeping to Assisting Party personnel. For non-emergency mutual aid programs, the prepared mutual aid record keeping system invoice form will be use.

E. *Payment*: Unless otherwise mutually agreed in the written agreement executed, in accordance with paragraph 2.H. or a subsequent written addendum to the agreement, the Assisting Party shall bill the Requesting Party's department for all reimbursable expenses with an itemized invoice not later than sixty (60) days following the Period of Assistance; and the Requesting Party shall pay the bill in full not later than thirty (30) days following the billing date. Unpaid bills shall become delinquent upon the 31st day following the billing date and once delinquent shall accrue interest at the rate of twelve (12) percent per annum.

SECTION 4. INSURANCE

Each Participating Government shall bear the risk of its own actions, as it does with its day-to day operations, and determine for itself what kinds of insurance, and in what amounts, it will carry. Each Participating Government will have a letter on file from its insurance carrier authorizing it to provide and receive assistance under this Agreement, and indicating that there will be no lapse in its insurance coverage on employees, vehicles, or liability. If a Participating Government is self-insured, its file shall contain copy of a resolution authorizing its self-insurance program. A copy of the insurance carrier's letter or the resolution of self-insurance shall be attached as Appendix B to the executed copy of this Agreement, which is filed with the York County Emergency Management Agency, SMPDC, and each Participating Government. Each Assisting Party shall be solely responsible for determining that its insurance is current and adequate prior to providing assistance under this Agreement.

SECTION 5. INDEMNIFICATION

Each Member Municipality shall indemnify, defend and hold harmless the other Member Municipalities to this Agreement and its and their officers, agents and employees from all claims, causes of actions, judgments, damages, losses and expenses, including attorney fees, arising out of or resulting from negligent acts or omissions of the indemnifying Member Municipality and its officers, agents or employees in connection

with this agreement. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8101 et, seq.) or the Maine Emergency Management Act (37-B M.R.S.A. § 822), as may be amended from time to time, or any other immunities or defenses under other applicable law.

SECTION 6. LENGTH OF TIME FOR EMERGENCY AND NON-EMERGENCY SERVICES

The duration of such state of emergency declared by the Requesting Party is limited to seven (7) calendar days. It may be extended, if necessary, in 72-hour increments. Non-emergency assistance will be rendered to the limits satisfactory to partnering effort as mutually agreed by Participating Governments.

SECTION 7. TERM

This Agreement shall be in effect for one (1) year from the date hereof and shall automatically renew in successive one (1) year terms when approved under Section 12. The Agreement can be terminated but must be in writing by the participating government. Written notice of such termination shall be made in writing and shall be served personally or by registered mail upon the York County Emergency Management Agency.

SECTION 8. EFFECTIVE DATE OF THIS AGREEMENT

This Agreement shall be in full force and effect upon approval by the participating government and upon proper execution hereof. Each participating government shall file an executed copy of this Agreement with the York County Emergency Management Agency and SMPDC.

SECTION 9. ROLE OF YORK COUNTY EMERGENCY MANAGEMENT AGENCY

The only responsibilities the York County Emergency Management Agency shall have under this Agreement is to serve as a central depository for executed Agreements, to maintain a current listing of Participating Government and their Authorized Representatives which is set forth herein as Appendix D, and to provide an updated copy of the listing to each of the Participating Governments on an annual basis during the second quarter of the calendar year.

SECTION 10. AGREEMENT FILING PROVISIONS

Counterparts of the Agreement with original signatures and copies of insurance letters shall be filed and maintained at the York County Emergency Management Agency in

Alfred, Maine including all Participating Governments. This agreement must be filed with the Secretary of State as well.

SECTION 11. SEVERABILITY

Should any portion, section, or subsection of this Agreement be held to be invalid by a court of competent jurisdiction, that fact shall not affect or invalidate any other portion, section or subsection; and the remaining portions of this Agreement shall remain in full force and affect without regard to the section, portion, or subsection or power invalidated so long as the primary goals of the Parties can still be effectuated.

SECTION 12. APPROVAL

APPROVE ONLY ONE BELOW:

IN WITNESS WHEREOF, this Agreement has been duly approved in regular session of this governing body the _____ day of _____, 2016.

IN WITNESS WHEREOF, this Agreement has been duly approved in regular session of this governing body the _____ day of _____, 2016 and further reserve the privilege of an automatic annual renewal by same governing body understanding that any lapse to this agreement will result in loss of service from neighboring communities as could be necessary.

PARTICIPATING GOVERNMENT:

CITY/TOWN: _____

BY: _____

(Typed or Printed Name and Title)

ATTEST: _____ (AFFIX SEAL)

(Typed or Printed Name and Title)

ATTACH INSURANCE LETTER OR RESOLUTION and
MAIL AN EXECUTED COPY OF THE AGREEMENT TO:

Southern Maine Planning and Development Commission
110 Main Street Suite 1400
Saco, ME 04072

Appendix A
Public Works Mutual Aid Agreement
Authorized Representative Contact Information

This document shall be updated and distributed by the York County Emergency Management Agency and SMPDC as set forth in the Public Works Mutual Aid Agreement.

DULY AUTHORIZED REPRESENTATIVE
(the emergency contact for the mutual aid program)

Name:_____

Title:_____

Municipality:_____

Address:_____

City-Town/State/Zip:_____

Work Phone:_____

Cell/Emergency Phone:_____

Email:_____

Fax:_____

Pager:_____

Radio Frequency:_____

Appendix B
Public Works Mutual Aid Agreement
Insurance Information from Participating Government
[To be inserted]

Appendix C
Public Works Mutual Aid Agreement
Sample Request Letter and Provide Letter

Sample Letter for Requesting Aid – “Requesting Party”

«Date»

«Name of Provider»

«Address of Provider»

Dear «Provider Contact»;

This letter is to request aid under the York County Public Works Mutual Aid Program, pursuant to the Mutual Aid and Assistance Agreement adopted by your governing board.

The «Town/City of» requests mutual aid for a disaster that «Is Imminent/Is In Progress/Has Occurred». «Description of Disaster» (try to limit to three sentences).

The services requested are «Specify Equipment, Personnel, Materials, and Supplies». The services will be required for «Length of Time», beginning «Date When Assistance Should Arrive».

Please have your designated personnel meet «Your Contact Person» at «Specify Location» at «Specify Time» on «Specify Date».

Sincerely,

Name of Authorized Recipient Representative

Title of Authorized Recipient Representative

Sample Letter for Providing Aid – “Assisting Party”

«Date»

«Name of Recipient»

«Address of Recipient»

Dear *«Authorized Recipient Contact»*;

This letter is in response to your request for mutual aid dated *«Specify Date»* under the York County Public Works Mutual Aid Program, pursuant to the Mutual Aid and Assistance Agreement adopted by our governing board.

The *«Town/City of»* will send the following *«Specify Equipment, Personnel, Materials, and Supplies»* for a period of *«Specify Number»* days, and will attempt when possible to provide twenty-four (24) hours notice of our intent to terminate assistance.

Our team will arrive at *«Specify Location»* at *«Specify Time»* on *«Specify Date»*. *«Specify Name»* will be responsible for the supervision of our team during its duration in your community.

Sincerely,

Name of Authorized Provider Representative

Title of Authorized Provider Representative

Appendix D
Public Works Mutual Aid Agreement
List of Participating Governments and Their Authorized Representatives

[To Be Inserted]



TOWN OF KITTERY
P. O. Box 808
Kittery, ME 03904
207-439-0452

APPLICATION FOR SPECIAL ACTIVITY/AMUSEMENT PERMIT
(Pursuant to 28-A M.R.S.A. Sec. 1054)

Name, address and legal status of individual(s) or entity seeking to hold permit:

Delta Amusement (Navy Yard Bar + Billiard)
182 State Rd Kittery ME 03904

Name and mailing address of the premises where the special activity/amusement will occur:

Navy Yard Bar + Billiards
182 STATE Rd Kittery ME 03904

Mailing address and telephone number of owner of the real estate: M. H. PARSONS

50 Wood Bridge York ME 207 337 1461

Describe the specific portion of the premises where the special activity/amusement will occur:

Upper Right Corner

Set forth the specific time periods between which the special activity/amusement will occur:

Thursday + Saturday nights 8:30 PM - 12:30 PM

Describe the specific activity or type of amusement for which the permit is requested:

Karaoke, D.J. DANCING small Bands

Has any individual(s), partner(s), majority shareholder(s) of the business entity, seeking to hold this permit, been convicted of a felony or had any similar type of amusement or activity permit been denied or revoked within the past ten (10) years by any other municipal or state authority, agency or board? If so, give the state of conviction for any felony and describe specifically the circumstances of any such denial or revocation giving the state or city and date of such denial or revocation:

SEE ATTACHMENT on
Lic. Application

Give any additional information to support your request for the permit sought herein:

Keep people entertained

As part of this application process, the individual or business entity seeking the permit herein acknowledges that the Municipal Officers, pursuant to 28-A M.R.S.A. Subsection 1054(7) may suspend or revoke the permit applied for herein on the grounds that the activity or amusement constitutes a detriment to the public health, safety or welfare, or violates municipal ordinances or regulations.

Give the authority and legal relationship of the applicant signing below to the entity seeking permit:

NOTE: In granting this permit, the Town relies on the accuracy and truth of the facts represented herein. Any misleading or incorrect information set forth in this application shall be grounds for denial or immediate revocation of the permit issued. By signing this application, the applicant represents the truth of the facts herein stated.

DATE OF APPLICATION: 8-4-16

SIGNATURE OF APPLICANT: John A. Taylor

ADDRESS: 3 Ferry St Hampton NH

TELEPHONE NUMBER: 508 331-1259

FEE: \$20.00 per year (Please make check payable to "Town of Kittery")
Must be renewed annually

PLEASE SUBMIT THIS FORM AND APPROPRIATE FEE TO THE TOWN CLERK'S
OFFICE, P.O. BOX 808, KITTERY, ME 03904

VENDOR: KITTERY RECREATION DEPART

YORK HOSPITAL

CHECK NO. 009286

INVOICE NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
JULY SPONS	7/7	9,250.00	9,250.00	0.00	9,250.00

#

5003-43600

York Hospital Subscription Rec

for School

MAKE YORK HOSPITAL YOUR HOSPITAL

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

CHECK NO.	CHECK DATE	VENDOR NO.
009286	08/15/16	4620 K

Kennebunk Savings Bank



York Hospital
15 HOSPITAL DRIVE
YORK, MAINE 03909

CHECK NO. 009286

52-7445/2112
CHECK AMOUNT
9,250.00

PAY Nine Thousand Two Hundred Fifty And 00/100 Dollars*****
TO THE KITTERY RECREATION DEPARTMENT
ORDER OF 120 ROGERS RD
KITTERY, ME 03904



TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$500
VOID AFTER 180 DAYS

MP

⑈009286⑈ ⑆211274502⑆ 44007084⑈

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

**MAINE MUNICIPAL ASSOCIATION*****Risk Management Services***

60 Community Drive
P.O. Box 9109
Augusta, Maine 04332-9109

Telephone No.

(207) 626-5583
(800) 590-5583 Maine Only
Fax No. (207) 624-0112

Bill to:

Town of Kittery
Attn: Maryann Place
200 Rogers Rd
Kittery, ME 03904

DEDUCTIBLE INVOICE

Date: August 9, 2016
Due Date: September 9, 2016
Invoice Number: 216P6908-0001
Member: Town of Kittery
Date of Loss: 11/08/2015

Description		Amount	Total
216P6908-0001	Town of Kittery	\$3,500.00	\$3,500.00

PLEASE RETURN ONE COPY WITH REMITTANCE

Member: Town of Kittery

Amount Enclosed:

RMS Claim Department
PO Box 9109
Augusta, ME 04332-9109

RMS USE ONLY: ALLOCATION

Loss:

Expense: X

9/12

BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES 9-28-16

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☒ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
DOB:		<u>NAVY YARD BAR + BILLIARD</u>	
<u>Delta Amusement Inc.</u> DOB:			
DOB:		Location (Street Address)	
Address		<u>182 STATE Rd.</u>	
		City/Town	State Zip Code
<u>182 STATE Rd.</u>		<u>KITTERY</u>	<u>ME. 03904</u>
City/Town	State Zip Code	City/Town	State Zip Code
<u>KITTERY</u>	<u>ME 03904</u>	<u>KITTERY</u>	<u>ME. 03904</u>
Telephone Number	Fax Number	Business Telephone Number	Fax Number
<u>207-439 7137- 508-331-1259</u>			
Federal I.D. #		Seller Certificate #	
<u>01-0524107</u>		<u>1043464</u>	

EMAIL ADDRESS: Trophys 421 a Yahoo. Com.

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 37601 LIQUOR \$ 169,440
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
- If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
7. If manager is to be employed, give name: RAY Lene Schurman
8. If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: _____ Business hours: _____
9. Business records are located at: 182 STATE Rd KITTERY ME. 03904
10. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☒
12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Joseph E Sugden	1-30-54	MAYNARD MASS.
ANTHONY BORRELLI	12-8-54	LAWRENCE MASS.
RAY Lene Schurman	10-14-63	PORTSMOUTH N.H.

Residence address on all of the above for previous 5 years (Limit answer to city & state)

J. Sugden 3 Tobey ST. HAMPTON N.H. 03842 "A. Borrelli, 1 Alder Brook Ln. Methuen MASS 01844. R. SHURMAN 2 Hillside Dr. Greenland N.H. 03842

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: Joseph E Sugden Date of Conviction: 1975
Offense: Disturbing The Peace Location: SALSBURY MA.
Disposition: PAID FINE (SEE ATTACHMENT)

14. Will any law enforcement official benefit financially either directly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: M.H. PARSONS + SON'S 50 Woodbridge Rd. York ME. 03909

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) BILLIARD TAVERN LIMITED Food

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mi Which of the above is nearest? SCHOOL

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: BUSINESS LOAN ENTERPRISE BANK Lowell MASS.
(PAID-OFF)



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

For Office Use Only:

License #: _____

Date Filed: _____

Supplemental Information Required for Business Entities Who Are Licensees

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name:

DELTA AMUSEMENT INC.

2. Other business name for your entity (DBA), if any:

NAVY YARD BAR + BILLIARD

3. Date of filing with the Secretary of State: 3-2-99

4. State in which you are formed: MAINE

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Joseph E Sugden	3 TOBEG ST. HAMPTON NH	1-30-54	50%
ANTHONY BORRELLI	1 ALDERBROOK LN METHUEN MA	12-8-54	50%

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☒ No ☐

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: Joseph E Sugden

Date of Conviction: 1975

Offense: Disturbing The Peace

Location of Conviction: SALSBURY MASS.

Disposition: PAID FINE

(SEE ATTACHMENT)

Signature:

Joseph E Sugden
Signature of Duly Authorized Person

8-4-16
Date

Joseph E Sugden
Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

Joseph E Sugden (President)

SS # 017-44-8076

DOB 1-30-54

(2) PeTTY Larceny 1975

STole a STeAK (college PRANK) North Adams MASS

6 mos. CONTINUOUS no FINE

(3) D.U.I 1984 Amesbury MASS.

Loss of Lic. 3 months \$250 FINE

ANTHony Borrelli.

SS # 011-46-6321

DOB 12-8-54

(1) D.U.I 1982 CONTINUANCE

6 mos. PAID FINE Newbury Port MASS

(2) D.U.I 1982 Loss of Lic.

6 months PAID FINE Newbury Port MASS

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

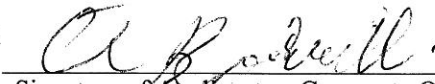
Dated at: _____ on _____, 20 _____

Town/City, State

Date


Signature of Applicant or Corporate Officer(s)
Joseph E. Sugden
Print Name

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)
Anthony Boirelli
Print Name

NOTICE – SPECIAL ATTENTION

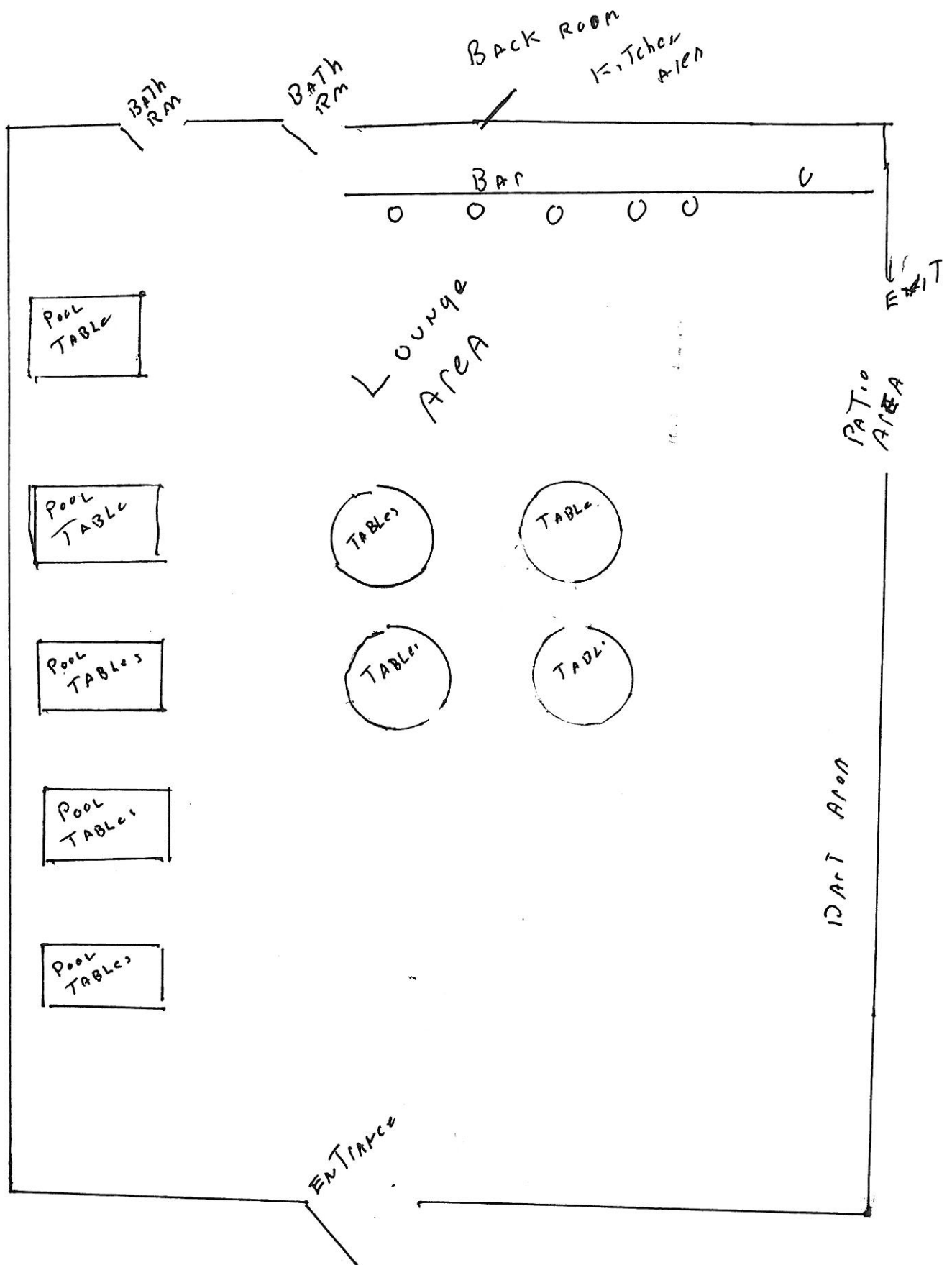
All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

Diagram



STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).][1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
4. **No license to person who moved to obtain a license. (REPEALED)**
5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Memorandum

TO: Town Manager
Town of Kittery

FROM: Paul McKenney, CMA
Municipal Resources, Inc.
Contracted Assessor Agent's

DATE: September 8, 2016

RE: Tax Rate Calculation form

On the following attached spreadsheets I have provided a comparison of the prior Tax Rate Calculation Forms. On the spreadsheets you can see the town's total taxable valuation base increased from 2015-2016 tax year in spite of the increase in Homestead Exemption amounts. There was roughly a six million nine hundred thousand dollar(\$6,900,000) increase in real estate assessments due to building permits changes while the net valuation base increased a little over .63% due to state reimbursements.

It also shows that compared to 2015-2016, the County tax appropriations decreased roughly -0.33%; Municipal appropriations increased 5.4% while School/education appropriations increased 2.18%. In total, appropriations have increased 3.4%, State revenues increased 4.13% and other revenues increased 4.02%. Subsequently the net tax dollars to be raised by the local property tax rate has increased by roughly 3.25%.

On the spreadsheet following the Municipal Tax Rate Calculation Form, I have attached a spreadsheet showing the potential range of overlay amounts depending on the tax rate selected. The minimum tax rate that could be selected is \$15.99 while the maximum rate is \$16.78.

With consideration for all aspects including prior year tax rates, it is my suggestion that a rate of \$16.05 be selected which is roughly a 2.4% increase from last year and has an overlay amount of roughly \$92,479. This translates into a \$114.00 increase in taxes on a property assessed at \$300,000.

If there is any further information you require, please let me know.

LINE		2015 - 2016	2016 - 2017	\$ CHANGE	% CHANGE
1	LOCAL TAXABLE RD	\$1,387,675,547	\$1,394,578,666	\$6,903,119	0.50%
2	LOCAL TAXABLE PP	\$34,750,400	\$34,136,800	-\$613,600	-1.77%
3	TOTAL TAXABLE	\$1,422,425,947	\$1,428,715,466	\$6,289,519	0.44%
4a	HOMESTEAD EXEMPT VALUATION	\$14,851,300	\$20,221,100	\$5,369,800	36.16%
4b		\$7,425,650	\$10,110,550	\$2,684,900	
5a	BETE EXEMPT VALUATION	\$605,500	\$701,300	\$95,800	15.82%
5b		\$304,400	\$350,650	\$46,250	
6	VALUATION BASE	\$1,430,155,997	\$1,439,176,666	\$9,020,669	0.63%
7	COUNTY	\$912,386	\$909,420	-\$2,966	-0.33%
8	MUNICIPAL	\$11,288,023	\$11,897,503	\$609,480	5.40%
9	TIF FINANCING	\$60,901	\$60,901	\$0	0.00%
10	LOCAL EDUCATION	\$15,461,359	\$15,797,843	\$336,484	2.18%
11	TOTAL APPROPRIATIONS	\$27,722,669	\$28,665,667	\$942,998	3.40%
12	REVENUE SHARING	\$378,000	\$393,604	\$15,604	4.13%
13	OTHER REVENUES	\$5,062,393	\$5,265,757	\$203,364	4.02%
14	TOTAL DEDUCTIONS	\$5,440,393	\$5,659,361	\$218,968	4.02%
15	NET TO BE RAISED	\$22,282,276	\$23,006,306	\$724,030	3.25%
	MIN RATE	\$15.58	\$15.99		
	MAX RATE	\$16.35	\$16.78		
	SELECTED RATE	\$15.67	\$16.05	\$0.38	2.43%
	OVERLAY	\$128,298	\$92,481		
	TAXES ON \$300,000 ASMNT	\$4,701	\$4,815	\$114	2.43%

2016 MUNICIPAL TAX RATE CALCULATION STANDARD FORM

1.	Total taxable Valuation of real estate	1	<input type="text" value="\$1,394,578,666"/>	
2.	Total taxable valuation of personal property	2	<input type="text" value="\$34,136,800"/>	
3.	Total taxable valuation of real estate and personal property (line 1 plus line 2)	3	<input type="text" value="\$1,428,715,466"/>	
4. (a)	Total exempt value for all homestead exemptions granted	4(a)	<input type="text" value="\$20,221,100"/>	
4. (b)	Homestead exemption reimbursement value	4(b)	<input type="text" value="\$10,110,550"/>	
5. (a)	Total exempt value of all BETE qualified property		<input type="text" value="\$701,300"/>	
5. (b)	The statutory standard reimbursement for 2015 is 50%		<input type="text" value="\$350,650"/>	
6.	Total Valuation Base (line 3 plus line 4(b) plus line 5(b))	6	<input type="text" value="\$1,439,176,666"/>	
ASSESSMENTS				
7.	County Tax	7	<input type="text" value="\$909,420"/>	
8.	Municipal Appropriation	8	<input type="text" value="\$11,897,503"/>	
9.	Tif Financing Plan Amount	9	<input type="text" value="\$60,901"/>	
10.	Local Education Appropriation (Local Share/Contribution)	10	<input type="text" value="\$15,797,843"/>	
11.	Total Assessments (add lines 7 through 10)	11	<input type="text" value="\$28,665,667"/>	
ALLOWABLE DEDUCTIONS				
12.	State Municipal Revenue Sharing	12	<input type="text" value="\$393,604"/>	
13.	Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc... (Do Not Included any Homestead or BETE Reimbursement))	13	<input type="text" value="\$5,265,757"/>	
14.	Total Deductions (Line 12 plus Line 13)	14	<input type="text" value="\$5,659,361"/>	
15.	Net to be raised by local property tax rate (Line 11 minus line 14).....	15	<input type="text" value="\$23,006,306"/>	
16.	<input type="text" value="\$23,006,306"/> X <input type="text" value="1.05"/> = <input type="text" value="\$24,156,621"/> Maximum Allowable Tax			
	(Amount from line 15)		(Amount from line 6)	
17.	<input type="text" value="\$23,006,306"/> / <input type="text" value="\$1,439,176,666"/> = <input type="text" value="0.015986"/> Minimum Tax Rate			
	(Amount from line 15)		(Amount from line 6)	
18.	<input type="text" value="\$24,156,621"/> / <input type="text" value="\$1,439,176,666"/> = <input type="text" value="0.016785"/> Maximum Tax Rate			
	(Amount from line 16)		(Amount from line 6)	
19.	<input type="text" value="\$1,428,715,466"/> X <input type="text" value="0.01600"/> = <input type="text" value="\$22,859,447"/> Tax for Commitment			
	(Amount from line 3)		(Selected Rate)	
20.	<input type="text" value="\$23,006,306"/> X <input type="text" value="0.05"/> = <input type="text" value="\$1,150,315"/> Maximum Overlay			
	(Amount from line 15)			
21.	<input type="text" value="\$10,110,550"/> X <input type="text" value="0.01600"/> = <input type="text" value="\$161,769"/> Homestead Reimbursement			
	(Amount from line 4b)		(Selected Rate)	
22.	<input type="text" value="\$350,650"/> X <input type="text" value="0.01600"/> = <input type="text" value="\$5,610"/> BETE Reimbursement			
	(Amount from line 5b)		(Selected Rate)	
23.	<input type="text" value="\$23,026,827"/> - <input type="text" value="\$23,006,306"/> = <input type="text" value="\$20,521"/> Overlay			
	(Line 19 plus lines 21 and 22)		(Amount from line 15)	

(If line 23 exceeds line 2 select a lower tax rate)

2016 MUNICIPAL TAX RATE CALCULATION STANDARD FORM

1. Total taxable Valuation of real estate	1	<input type="text" value="\$1,394,578,666"/>	
2. Total taxable valuation of personal property	2	<input type="text" value="\$34,136,800"/>	
3. Total taxable valuation of real estate and personal property (line 1 plus line 2)	3	<input type="text" value="\$1,428,715,466"/>	
4. (a) Total exempt value for all homestead exemptions granted	4(a)	<input type="text" value="\$20,221,100"/>	
4. (b) Homestead exemption reimbursement value	4(b)	<input type="text" value="\$10,110,550"/>	
5. (a) Total exempt value of all BETE qualified property		<input type="text" value="\$701,300"/>	
5. (b) The statutory standard reimbursement for 2015 is 50%		<input type="text" value="\$350,650"/>	
6. Total Valuation Base (line 3 plus line 4(b) plus line 5(b))	6	<input type="text" value="\$1,439,176,666"/>	

ASSESSMENTS

7. County Tax	7	<input type="text" value="\$909,420"/>	
8. Municipal Appropriation	8	<input type="text" value="\$11,897,503"/>	
9. Tif Financing Plan Amount	9	<input type="text" value="\$60,901"/>	
10. Local Education Appropriation (Local Share/Contribution)	10	<input type="text" value="\$15,797,843"/>	
11. Total Assessments (add lines 7 through 10)	11	<input type="text" value="\$28,665,667"/>	

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing	12	<input type="text" value="\$393,604"/>	
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc... (Do Not Included any Homestead or BETE Reimbursement)	13	<input type="text" value="\$5,265,757"/>	
14. Total Deductions (Line 12 plus Line 13)	14	<input type="text" value="\$5,659,361"/>	
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	<input type="text" value="\$23,006,306"/>	

16.	<input type="text" value="\$23,006,306"/> (Amount from line 15)	X	<input type="text" value="1.05"/> (Amount from line 6)	=	<input type="text" value="\$24,156,621"/>	Maximum Allowable Tax
17.	<input type="text" value="\$23,006,306"/> (Amount from line 15)	/	<input type="text" value="\$1,439,176,666"/> (Amount from line 6)	=	<input type="text" value="0.015986"/>	Minimum Tax Rate
18.	<input type="text" value="\$24,156,621"/> (Amount from line 16)	/	<input type="text" value="\$1,439,176,666"/> (Amount from line 6)	=	<input type="text" value="0.016785"/>	Maximum Tax Rate
19.	<input type="text" value="\$1,428,715,466"/> (Amount from line 3)	X	<input type="text" value="0.01603"/> (Selected Rate)	=	<input type="text" value="\$22,902,309"/>	Tax for Commitment
20.	<input type="text" value="\$23,006,306"/> (Amount from line 15)	X	<input type="text" value="0.05"/>	=	<input type="text" value="\$1,150,315"/>	Maximum Overlay
21.	<input type="text" value="\$10,110,550"/> (Amount from line 4b)	X	<input type="text" value="0.01603"/> (Selected Rate)	=	<input type="text" value="\$162,072"/>	Homestead Reimbursement
22.	<input type="text" value="\$350,650"/> (Amount from line 5b)	X	<input type="text" value="0.01603"/> (Selected Rate)	=	<input type="text" value="\$5,621"/>	BETE Reimbursement
23.	<input type="text" value="\$23,070,002"/> (Line 19 plus lines 21 and 22)	-	<input type="text" value="\$23,006,306"/> (Amount from line 15)	=	<input type="text" value="\$63,696"/>	Overlay

(If line 23 exceeds line 2 select a lower tax rate)

2016 MUNICIPAL TAX RATE CALCULATION STANDARD FORM

1. Total taxable Valuation of real estate	1	\$1,394,578,666	
2. Total taxable valuation of personal property	2	\$34,136,800	
3. Total taxable valuation of real estate and personal property (line 1 plus line 2)	3	\$1,428,715,466	
4. (a) Total exempt value for all homestead exemptions granted	4(a)	\$20,221,100	
4. (b) Homestead exemption reimbursement value	4(b)	\$10,110,550	
5. (a) Total exempt value of all BETE qualified property		\$701,300	
5. (b) The statutory standard reimbursement for 2015 is 50%		\$350,650	
6. Total Valuation Base (line 3 plus line 4(b) plus line 5(b))	6	\$1,439,176,666	

ASSESSMENTS

7. County Tax	7	\$909,420	
8. Municipal Appropriation	8	\$11,897,503	
9. Tif Financing Plan Amount	9	\$60,901	
10. Local Education Appropriation (Local Share/Contribution)	10	\$15,797,843	
11. Total Assessments (add lines 7 through 10)	11	\$28,665,667	

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing	12	\$393,604	
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc... (Do Not Included any Homestead or BETE Reimbursement))	13	\$5,265,757	
14. Total Deductions (Line 12 plus Line 13)	14	\$5,659,361	
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	\$23,006,306	

16.	\$23,006,306 (Amount from line 15)	X	1.05 (Amount from line 6)	=	\$24,156,621	Maximum Allowable Tax
17.	\$23,006,306 (Amount from line 15)	/	\$1,439,176,666 (Amount from line 6)	=	0.015986	Minimum Tax Rate
18.	\$24,156,621 (Amount from line 16)	/	\$1,439,176,666 (Amount from line 6)	=	0.016785	Maximum Tax Rate
19.	\$1,428,715,466 (Amount from line 3)	X	0.01605 (Selected Rate)	=	\$22,930,883	Tax for Commitment
20.	\$23,006,306 (Amount from line 15)	X	0.05	=	\$1,150,315	Maximum Overlay
21.	\$10,110,550 (Amount from line 4b)	X	0.01605 (Selected Rate)	=	\$162,274	Homestead Reimbursement
22.	\$350,650 (Amount from line 5b)	X	0.01605 (Selected Rate)	=	\$5,628	BETE Reimbursement
23.	\$23,098,785 (Line 19 plus lines 21 and 22)	-	\$23,006,306 (Amount from line 15)	=	\$92,479	Overlay

(If line 23 exceeds line 2 select a lower tax rate)

2016 MUNICIPAL TAX RATE CALCULATION STANDARD FORM

1. Total taxable Valuation of real estate	1	\$1,394,578,666
2. Total taxable valuation of personal property	2	\$34,136,800
3. Total taxable valuation of real estate and personal property (line 1 plus line 2)	3	\$1,428,715,466
4. (a) Total exempt value for all homestead exemptions granted	4(a)	\$20,221,100
4. (b) Homestead exemption reimbursement value	4(b)	\$10,110,550
5. (a) Total exempt value of all BETE qualified property		\$701,300
5. (b) The statutory standard reimbursement for 2015 is 50%		\$350,650
6. Total Valuation Base (line 3 plus line 4(b) plus line 5(b))	6	\$1,439,176,666

ASSESSMENTS

7. County Tax	7	\$909,420
8. Municipal Appropriation	8	\$11,897,503
9. Tif Financing Plan Amount	9	\$60,901
10. Local Education Appropriation (Local Share/Contribution)	10	\$15,797,843
11. Total Assessments (add lines 7 through 10)	11	\$28,665,667

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing	12	\$393,604
13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc... (Do Not Included any Homestead or BETE Reimbursement))	13	\$5,265,757
14. Total Deductions (Line 12 plus Line 13)	14	\$5,659,361
15. Net to be raised by local property tax rate (Line 11 minus line 14).....	15	\$23,006,306

16.	\$23,006,306 (Amount from line 15)	X	1.05 (Amount from line 6)	=	\$24,156,621	Maximum Allowable Tax
17.	\$23,006,306 (Amount from line 15)	/	\$1,439,176,666 (Amount from line 6)	=	0.015986	Minimum Tax Rate
18.	\$24,156,621 (Amount from line 16)	/	\$1,439,176,666 (Amount from line 6)	=	0.016785	Maximum Tax Rate
19.	\$1,428,715,466 (Amount from line 3)	X	0.01607 (Selected Rate)	=	\$22,959,458	Tax for Commitment
20.	\$23,006,306 (Amount from line 15)	X	0.05	=	\$1,150,315	Maximum Overlay
21.	\$10,110,550 (Amount from line 4b)	X	0.01607 (Selected Rate)	=	\$162,477	Homestead Reimbursement
22.	\$350,650 (Amount from line 5b)	X	0.01607 (Selected Rate)	=	\$5,635	BETE Reimbursement
23.	\$23,127,569 (Line 19 plus lines 21 and 22)	-	\$23,006,306 (Amount from line 15)	=	\$121,263	Overlay

(If line 23 exceeds line 2 select a lower tax rate)

2016 MUNICIPAL TAX RATE CALCULATION STANDARD FORM

1.	Total taxable Valuation of real estate	1	<input type="text" value="\$1,394,578,666"/>
2.	Total taxable valuation of personal property	2	<input type="text" value="\$34,136,800"/>
3.	Total taxable valuation of real estate and personal property (line 1 plus line 2)	3	<input type="text" value="\$1,428,715,466"/>
4. (a)	Total exempt value for all homestead exemptions granted	4(a)	<input type="text" value="\$20,221,100"/>
4. (b)	Homestead exemption reimbursement value	4(b)	<input type="text" value="\$10,110,550"/>
5. (a)	Total exempt value of all BETE qualified property		<input type="text" value="\$701,300"/>
5. (b)	The statutory standard reimbursement for 2015 is 50%		<input type="text" value="\$350,650"/>
6.	Total Valuation Base (line 3 plus line 4(b) plus line 5(b))	6	<input type="text" value="\$1,439,176,666"/>

ASSESSMENTS

7.	County Tax	7	<input type="text" value="\$909,420"/>
8.	Municipal Appropriation	8	<input type="text" value="\$11,897,503"/>
9.	Tif Financing Plan Amount	9	<input type="text" value="\$60,901"/>
10.	Local Education Appropriation (Local Share/Contribution)	10	<input type="text" value="\$15,797,843"/>
11.	Total Assessments (add lines 7 through 10)	11	<input type="text" value="\$28,665,667"/>

ALLOWABLE DEDUCTIONS

12.	State Municipal Revenue Sharing	12	<input type="text" value="\$393,604"/>
13.	Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, appropriated surplus revenue, etc... (Do Not Included any Homestead or BETE Reimbursement))	13	<input type="text" value="\$5,265,757"/>
14.	Total Deductions (Line 12 plus Line 13)	14	<input type="text" value="\$5,659,361"/>
15.	Net to be raised by local property tax rate (Line 11 minus line 14).....	15	<input type="text" value="\$23,006,306"/>

16.	<input type="text" value="\$23,006,306"/> (Amount from line 15)	X	<input type="text" value="1.05"/> (Amount from line 6)	=	<input type="text" value="\$24,156,621"/>	Maximum Allowable Tax
17.	<input type="text" value="\$23,006,306"/> (Amount from line 15)	/	<input type="text" value="\$1,439,176,666"/> (Amount from line 6)	=	<input type="text" value="0.015986"/>	Minimum Tax Rate
18.	<input type="text" value="\$24,156,621"/> (Amount from line 16)	/	<input type="text" value="\$1,439,176,666"/> (Amount from line 6)	=	<input type="text" value="0.016785"/>	Maximum Tax Rate
19.	<input type="text" value="\$1,428,715,466"/> (Amount from line 3)	X	<input type="text" value="0.01609"/> (Selected Rate)	=	<input type="text" value="\$22,988,032"/>	Tax for Commitment
20.	<input type="text" value="\$23,006,306"/> (Amount from line 15)	X	<input type="text" value="0.05"/>	=	<input type="text" value="\$1,150,315"/>	Maximum Overlay
21.	<input type="text" value="\$10,110,550"/> (Amount from line 4b)	X	<input type="text" value="0.01609"/> (Selected Rate)	=	<input type="text" value="\$162,679"/>	Homestead Reimbursement
22.	<input type="text" value="\$350,650"/> (Amount from line 5b)	X	<input type="text" value="0.01609"/> (Selected Rate)	=	<input type="text" value="\$5,642"/>	BETE Reimbursement
23.	<input type="text" value="\$23,156,353"/> (Line 19 plus lines 21 and 22)	-	<input type="text" value="\$23,006,306"/> (Amount from line 15)	=	<input type="text" value="\$150,047"/>	Overlay

(If line 23 exceeds line 2 select a lower tax rate)

TAX RATE	OVERLAY AMOUNT	EQUATES TO ASSESSED VALUE	% OF TOTAL TAXABLE ASMNT
\$15.99	\$6,129	\$383,302	0.03%
\$16.00	\$20,521	\$1,282,563	0.09%
\$16.01	\$34,912	\$2,180,637	0.15%
\$16.02	\$49,304	\$3,077,653	0.22%
\$16.03	\$63,696	\$3,973,550	0.28%
\$16.04	\$78,088	\$4,868,329	0.34%
\$16.05	\$92,479	\$5,761,931	0.40%
\$16.06	\$106,871	\$6,654,483	0.47%
\$16.07	\$121,263	\$7,545,924	0.53%
\$16.10	\$164,438	\$10,213,540	0.71%
\$16.20	\$308,356	\$19,034,321	1.33%
\$16.30	\$452,274	\$27,746,871	1.94%
\$16.40	\$596,191	\$36,353,110	2.54%
\$16.50	\$740,109	\$44,855,091	3.14%
\$16.60	\$884,027	\$53,254,639	3.73%
\$16.70	\$1,027,944	\$61,553,533	4.31%
\$16.78	\$1,143,078	\$68,121,454	4.77%

GENERAL ASSISTANCE ORDINANCE

APPENDICES A-D

2016-2017

The Municipality of _____ adopts the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2016—September 30, 2017. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2016 to September 30, 2017.**

APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
York	1	2	3	4	5	6
	\$734.00	\$860.00	\$1,065.00	\$1,439.00	\$1,460.00	\$1,493.00

NOTE: For each additional person add \$75 per month.

(The applicable figures from Appendix A, *once adopted*, should be inserted here.)

APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	45.12	194.00
2	83.02	357.00
3	118.84	511.00
4	150.93	649.00
5	179.30	771.00
6	215.12	925.00
7	237.67	1022.00
8	271.86	1169.00

NOTE: For each additional person add \$146 per month.

APPENDIX C - HOUSING MAXIMUMS

<u>Number of Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
0	133	570	156	671
1	155	666	184	790
2	193	828	228	982
3	269	1,156	313	1,344
4	269	1,156	314	1,349

(The applicable figures from Appendix C, *once adopted*, should be inserted here.)

FOR MUNICIPAL USE ONLY

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water*:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water*:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.08	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

FOR MUNICIPAL USE ONLY

GA Overall Maximums

Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	703	777	981	1,227	1,437
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	596	673	836	1,082	1,254
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	575	678	855	1,086	1,241
Portland HMFA: Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	838	975	1,220	1,638	1,717
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	967	1,011	1,316	1,693	2,070
Cumberland County HMFA: Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	750	796	1,058	1,542	1,759

Appendix A

Effective: 10/01/16-09/30/17

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	769	851	986	1,302	1,581
York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	734	860	1,065	1,439	1,460

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	609	624	750	948	1,037
Franklin County	636	662	783	973	1,383
Hancock County	653	737	936	1,231	1,277
Kennebec County	612	663	846	1,075	1,141
Knox County	743	745	916	1,172	1,299
Lincoln County	672	743	935	1,163	1,379
Oxford County	572	621	761	1,040	1,325
Piscataquis County	583	663	817	1,035	1,106
Somerset County	665	694	824	1,119	1,122
Waldo County	655	741	876	1,191	1,266
Washington County	584	633	752	957	1,159

* Please Note: Add \$75 for each additional person.

GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should **ONLY consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (*See Instruction Memo for further guidance.*)

Non-Metropolitan FMR Areas

<u>Aroostook County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		111	476	129	556
1		111	476	131	565
2		130	558	159	682
3		167	718	202	870
4		177	762	220	947
<u>Franklin County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		117	503	136	583
1		117	503	140	603
2		137	591	166	715
3		173	743	208	895
4		258	1,108	301	1,293
<u>Hancock County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		114	489	137	590
1		126	543	155	667
2		163	699	198	853
3		220	948	264	1,136
4		220	948	271	1,166
<u>Kennebec County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		104	448	128	549
1		109	469	138	593
2		142	609	177	763
3		184	792	228	980
4		186	801	240	1,030

Non-Metropolitan FMR Areas

<u>Knox County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	135	579	158	680
1	135	579	158	680
2	158	679	194	833
3	207	889	250	1,077
4	223	959	276	1,188
<u>Lincoln County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	119	513	142	609
1	128	549	157	673
2	162	698	198	852
3	205	880	248	1,068
4	242	1,039	295	1,268
<u>Oxford County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	95	408	118	509
1	101	427	128	551
2	122	524	158	678
3	176	757	220	945
4	229	985	282	1,214
<u>Piscataquis County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	104	447	123	530
1	116	500	140	604
2	144	621	174	749
3	186	798	222	956
4	192	824	236	1,016
<u>Somerset County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	120	517	141	606
1	121	519	147	631
2	143	615	175	753
3	202	869	241	1,038
4	202	869	241	1,038

Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	116	497	138	592
1	127	547	156	671
2	149	639	184	793
3	211	908	255	1,096
4	215	926	269	1,155
<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	98	420	121	521
1	102	439	131	563
2	120	515	156	669
3	157	674	200	862
4	191	819	244	1,048

Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	125	539	149	640
1	135	583	164	707
2	173	744	209	898
3	219	944	263	1,132
4	255	1,097	308	1,326
<u>Penobscot Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	101	432	124	533
1	111	479	140	603
2	139	599	175	753
3	186	799	230	987
4	213	914	266	1,143
<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	96	411	119	512
1	112	484	141	608
2	144	618	180	772
3	187	803	230	991
4	210	901	263	1,130

Metropolitan FMR Areas

<u>Portland HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	157	674	180	775
1	182	781	210	905
2	229	983	264	1,137
3	315	1,355	359	1,543
4	320	1,377	373	1,606
<u>York/Kittery/S. Berwick HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	187	803	210	904
1	190	817	219	941
2	251	1,079	287	1,233
3	328	1,410	372	1,598
4	402	1,730	456	1,959
<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	136	586	160	687
1	140	602	169	726
2	191	821	227	975
3	293	1,259	337	1,447
4	330	1,419	383	1,648
<u>Sagadahoc Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	141	605	164	706
1	153	657	182	781
2	174	749	210	903
3	237	1,019	281	1,207
4	289	1,241	342	1,470
<u>York Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	133	570	156	671
1	155	666	184	790
2	193	828	228	982
3	269	1,156	313	1,344
4	269	1,156	314	1,349

Invoice

Ultra Services Inc.

8 Cook Street

Billerica, MA 01821

(978)667-8800 / Fax (978)667-5453

www.usi-hvac.com

August 16, 2016

Summary: INSTALLATION

Invoice #: 2700-158169

Tech: J.FARINHA

Due Date: 8/30/2016

Job Date: 8/12/2016

Bill To:

KITTERY TOWN OFFICE & POLICE DEPARTMENT

200 ROGERS RD

KITTERY, ME 03904

Job Name:

KITTERY TOWN OFFICES & POLICE DEPA

200 ROGERS RD

COMPRESSOR REPLACEMENT

KITTERY, ME

Description of Services and Work Rendered:

COMPLETED JOB AS PROPOSED:8/16/16

During a recent service call, (Job #158020) USI discovered that Trane condensing unit #5 was not running due to an electrically grounded compressor that appears to have suffered a burnout. We recommend fully recovering the refrigerant charge from this unit (due to the burnout), replacement of the defective compressor, liquid line filter drier, contactor and recharging this system with new R22 refrigerant to return the condensing unit to proper operating condition.

USI will provide labor and materials for the following:

- 1.Recover remaining refrigerant in condensing unit #5
- 2.Disconnect piping and electrical connections to compressor
- 3.Remove and dispose of failed compressor
- 4.Furnish and install new 10-ton Trane compressor
- 5.Furnish and install new filter drier and contactor
- 6.Recharge unit with new R22 refrigerant (old refrigerant to not be used due to burnout)
- 7.Provide all startup and testing

Exclusions:

1. Overtime labor.
2. Any repairs not listed above.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon delays beyond our control. Purchaser agrees to pay all costs of collection, including attorney's fees.

Total: \$9,520.00
+ \$406.50

\$9,926.50
- \$5,000.00 Deductible
\$4,926.50

Terms: Net 14

PLEASE MAKE ALL CHECKS PAYABLE TO ULTRA SERVICES, INC. THANK YOU